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Canada Royal Commission on
employment of firemen on diesel
locomotives in freight and yard
service on the Canadian Pacific
Railway.

Proceedings 1957

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**ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY**

10-13

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PROCEEDINGS



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ROYAL COMMISSION ON EMPLOYMENT
OF FIREMEN ON DIESEL LOCOMOTIVES
IN FREIGHT AND YARD SERVICE ON
THE CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Friday, March 15,
1957

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship,	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.	Representing the
C.J.A. Hughes, Q.C.,	Commission
I.D. Sinclair,	Representing the
John Pearson,	Canadian Pacific
	Railway Company
David Lewis, Q.C.,	Representing the
	Brotherhood of
	Locomotive Fire-
	men and Enginemen

Friday,

March 15, 1957.

10TH DAY

MORNING SESSION

---The Commission opened at 10.30 a.m.

JOHN EDWARD JOHNSON, recalled.

MR. SINCLAIR: Mr. Chairman and Commissioners, last evening I secured from the chief engineer of the office in Montreal a plan of St. Luc yard in Montreal.

THE CHAIRMAN: Exhibit 53.

EXHIBIT No. 53 -- Plan of C.P.R.
St. Luc yard.

MR. SINCLAIR: I am sorry that these are straight blueprints, sir. We did not have time to put them on black and white. They are right from the records. We did not draw this last night. It is from the records.

If I may, Mr. Chairman, with your permission, I should like to orient this and the witness can say whether what I say is correct. Up in the right corner you see the signal tower, the point of the signal tower just at the commencement of the receiving yard. That general area there is what is known as Hampstead.

Freight trains enter this yard either from the north by coming down from the top of the map and entering the receiving yard or from the west by coming along where it says "To Smith's Falls" at the very bottom left-hand corner. They come up along over this St. Luc branch, as it is called, across to the Adirondack subdivision where it is marked up there.

THE CHAIRMAN: Wait a minute.

MR. SINCLAIR: If you will go to the very bottom left-hand corner you will see the words "To Smith's Falls." Trains from the west come in and go across and you can write "St. Luc branch" right here.

MR. MUNDELL: They switch at the Winchester subdivision.

MR. SINCLAIR: They turn off here where the words "Winchester Subdivision" are marked. There are two tracks there.

THE CHAIRMAN: You say that is the St. Luc branch.

MR. SINCLAIR: We call it the St. Luc branch and Farnham lead.

THE CHAIRMAN: Farnham lead?

MR. SINCLAIR: The Farnham lead really is the track you see turning off just at the words "Adirondack Subdivision."

MR. LEWIS: I am sorry, I do not see that. The Farnham lead is this half circle?

MR. SINCLAIR: Yes. That is freight trains from the west.

THE CHAIRMAN: They follow the St. Luc branch right up to the north and around into the receiving yard.

MR. SINCLAIR: That is right, sir. Then, as to trains from the south, you will see on the right-hand side of the plan the words "To Sherbrooke." They come in that way.

THE CHAIRMAN: They come in that way going which direction, north or south?

MR. SINCLAIR: They go north, sir. They go north right up to the receiving yard, up to Hampstead.

THE CHAIRMAN: The ones from the south come in on the Adirondack subdivision?

MR. SINCLAIR: That is right, sir. The trains are brought in at Hampstead to the receiving yard. The trains are then yarded, using the expression that was explained yesterday, and they go in the receiving yard. The road power cuts off and, as the witness has said, the train is checked, and then in due course the trains are pushed by a diesel switching engine from the receiving yard up past the hump office and over the crest of the hump, which is marked on the plan.

You will see right below the words "Crest of hump" the words "Car retarders," with three arrows. Those three arrows, if you wish to extend them right to where the retarders are, can be extended to the heavy lines in the middle. Those heavy lines imposed on tracks are the car retarders. There is one at the track scale and there are two more just a little bit below that. Pardon me, right below the automatic track scale is a retarder and then there are two more and then there are a number on the tracks as they fan out.

MR. LEWIS: There will be nine altogether, as I see it.

MR. SINCLAIR: Nine-- I do not know if --

THE WITNESS: There is the automatic retarder scale also.

BY MR. SINCLAIR:

Q There is a retarder on that?

A That is not operated by the retarder operator. It is operated by the yard foreman in the hump office.

BY MR. LEWIS:

Q That is up above?

A Above the automatic scale.

MR. SINCLAIR: Then, starting from where these retarders are you will see the words "48 tracks" and "1958 cars", and over to the right the words "Classification yard." All these little lines can be extended right down because these are all tracks that go right down to the bottom, right through the yards, 48 tracks, 1958 cars, and each of these tracks is numbered from 1 to 48 moving from the left to the right.

Then you will see how the yard narrows down and you will see the number of tracks and just across from the yards you will see the general yard office, and that is what is known as the throat of the yard. That little spot east of the throat of the yard and the throat is the general yard office where, Mr. Justice Martineau, the I.B.M. machinery is on the

ground floor and the data processing machinery, and on the top floor is the panel and the man working the panel for moves from the classification to the departure yard.

After you go through the throat the departure yard commences and there are 38 tracks now constructed plus two icing tracks which are on the side to the left of the plan. The tracks here are numbered from 1 to 50. Some of the tracks have not been built. There are only 38 tracks. That layout provides for 50 tracks, so that when making reference to tracks in the departure yard from time to time the description may be pull off 14 classification to say 44 departure. The reason that you say 44 departure is that there is a track called 44 because some of them have been left out. To date they have not been built.

Then at the bottom of the departure yard is the departure yard office. The road power comes into the departure yard, couples up on the train and off it goes.

I think the various things that were spoken of yesterday are also marked on the left-hand side about one-third of the way down. For instance, there is the retarder control tower. That was the high tower which was mentioned yesterday.

Then, aside from the main movement there is also shown the car repair tracks, the

flat switching yard, the coaling plant, the car repair building, the diesel storage tank, the steam power plant and engine stall house, the machine shop, the diesel shop and the bunk house.

BY MR. SINCLAIR:

Q Do you agree with the description I have given to the Commission, Mr. Johnson?

A Yes, sir.

MR. SINCLAIR: Have you any questions, sir?

THE CHAIRMAN: I think that is clear enough.

BY MR. SINCLAIR:

Q Yesterday, Mr. Johnson, you mentioned that you had 27 assignments, I think it was?

A It averaged up to 27.

Q About 27 assignments and these engines would be staffed by an engineer, a fireman and three ground crew?

A That is right.

Q How many yardmen have you at St. Luc?

A We have 228 yardmen on the **seniority list** at St. Luc.

Q Yes?

A They are used for the regular assignments and also for the spare board.

Q Have you any additional yard personnel?

A We have the office staff.

Q No -- switch tenders?

A Switch tenders, we have 18 switch tenders.

Q They are on a different seniority list than the yardmen?

A Yes, sir.

Q What about the men who apply the skates? Are they yardmen?

A They are yardmen. The yardmen apply the skates.

Q Mr. Johnson, how are signals given for moves in St. Luc yard?

A Signals are given by hand signal or by two-way radio telephone or the talk-back system in the yard.

Q Are there fixed signals in the yard as well?

A On the west loop for engines returning to Hampstead.

Q In addition there are fixed signals on the west loop for engines returning to Hampstead?

A Hump engines returning to Hampstead.

BY THE CHAIRMAN:

Q What do you call the west loop?

A The west loop is the track on Exhibit 53 on the extreme left of the classification yard.

Q Just opposite the 48 tracks?

A Yes, sir.

Q That is the west loop?

A The west loop.

MR. SINCLAIR: You can see a track

going by where the words "Automatic track scale" and "Retarder control" are. That is the west loop. It is the most westerly of the two tracks.

BY THE CHAIRMAN:

Q What do you say about it?

A That is the west loop. That track runs from the north end of the yard right through to the south end of the yard.

BY MR. SINCLAIR:

Q How are moves on that controlled?

A When the booster engine has completed the humping --

Q What kind of signals, Mr. Johnson?

A Block signal.

Q And fixed signals?

A Yes.

Q Mast signals?

A Yes.

THE CHAIRMAN: This might be a good point to explain fixed signals, mast signals and block signals. Do they all mean the same thing?

MR. SINCLAIR: Yes, sir.

BY MR. SINCLAIR:

Q When you use the phrase "block signals", Mr. Johnson, does that mean a signal indication with a light on a mast?

A That is right.

THE CHAIRMAN: The block signal is simply a light on a mast.

MR. SINCLAIR: At page 115 of Exhibit 27 my adviser, Mr. Frayne, says that there is a definition. It defines "block signal" in this way:

"A fixed signal at the entrance of a block to govern trains and engines entering and using that block."

HON. MR. MARTINEAU: What is a block?

MR. SINCLAIR: Right above that is the definition of a block.

"A length of track of defined limits, the use of which by trains or engines is governed by block signals, cab signals, or both."

THE CHAIRMAN: I had it in my mind earlier, and no doubt it is wrong, that a block signal or a block is something that has something to do with a train coming up to that point and it is electrically stopped. Is there anything in that?

MR. SINCLAIR: Block signals are run by electricity with batteries in addition in case of power failures. They are wet cell batteries. A circuit is activated and the signal shows indications of red, yellow and green.

THE CHAIRMAN: So far as controlling the movement of the train is concerned, it is left to the operator of the locomotive to read the signal and to put on his power or take it

off and put on the brake?

MR. SINCLAIR: That is right.

THE CHAIRMAN: Thank you.

HON. MR. MARTINEAU: Did some witness say something before about block signals with induction --

MR. SINCLAIR: Yes, sir. That is what is known as automatic train control. That was Mr. Borntrager speaking of a section of track on the New York Central at Ripley, Ohio, where in addition to block signals they have power switches that are activated from a central point some distance away, and in addition on the engines and on the track there are induction coils, and the engines are equipped so that if the signal indication is restricted, that is, red or yellow, and unless the engineer forestalls it by a device in the cab known as a forestalling lever, the brakes will automatically go on. He can forestall it, and Mr. Borntrager explained in that case that the engineer had forestalled on a yellow signal, and you will recall the incident. There is none of that type of track on the Canadian Pacific. That is high density track.

HON. MR. McLAURIN: Is it called centralized automatic control?

MR. SINCLAIR: No, that is a step even beyond that. It goes in stages, if I may explain it. The timetable, train order

and right by direction are the first class. The next class is block signals. The next class is centralized traffic control.

HON. MR. McLAURIN: Have you centralized traffic control?

MR. SINCLAIR: Yes, on the Canadian Pacific there are very small stretches of it and some additional centralized traffic control is being installed this year.

THE CHAIRMAN: What is that?

MR. SINCLAIR: Centralized traffic control, sir, is where it is set up on the road, where trains move by signal indication alone rather than being supported by class, right or direction, and train orders are not used except in rare cases.

THE CHAIRMAN: What kind of signal control is that?

MR. SINCLAIR: A block signal tied in with a different type of circuit, and some types of centralized traffic control have power-operated switches and some have manually operated switches. We have what you might call that type of operation from Windsor Station to Ballantine, which is just west of Montreal West.

THE CHAIRMAN: I suppose it means what it says, that at some central point an operator there controls the block signals.

MR. SINCLAIR: And lines the routes.

THE CHAIRMAN: Lines the routes means that he throws the switches. That is all done electrically.

MR. SINCLAIR: That is the top type of C.T.C., as it is known, or Centralized Traffic Control. There are several below that where the switches are manually thrown but the lining of the route, except the switches, is done from a remote point. As far as I know, there is no automatic train control in Canada but there is some C.T.C. There is some on the Canadian Pacific and there is some on the Canadian National and there is some on the Quebec North Shore and Labrador. That is for road movements. Mr. Frayne, who is going to be a witness, will deal with it further if you have any questions.

BY MR. SINCLAIR:

Q Now, Mr. Johnson, in St. Luc your evidence was that movement on the west route was controlled by block signals?

A Block signals between the hump and Hampstead.

Q The hump and Hampstead. When the engine that you spoke of yesterday goes down to trim is it protected by a block signal?

A Yes, there is a block signal in the classification yard so that after he has pushed in the track or completed his trimming, when that block signal is green it permits him to back out.

Q And if it is green to him?

A If it is green to him the engine coming up on the hump with a batch automatically gets a red block.

Q Now, Mr. Johnson, you said that in Cote St. Luc

signals were given by various methods, by hand signal, two-way radio, talk-back, cab signals and fixed signals?

A That is right.

Q Is that correct?

A That is correct, yes.

THE CHAIRMAN: Excuse me, Mr. Sinclair, by hand signal, by two-way radio telephone, by talk-back, and what was the other?

MR. SINCLAIR: Cab signals and blocks.

HON. MR. McLAURIN: What is the last one?

MR. SINCLAIR: Block.

THE CHAIRMAN: That is five different ways.

BY MR. SINCLAIR:

Q Now, hand signals, Mr. Johnson, in St. Luc, they are given by whom and to whom?

A By the ground crew to the engineman.

Q Is there any place in St. Luc yard where it is necessary to use the fireman as a signal passer?

A No sir.

Q None at all that you know of?

A No sir.

Q Is there any place in St. Luc yard that you know of where a fireman is often used as a signal passer?

A No sir.

Q Have you ever seen a fireman used as a

signal passer in St. Luc?

A I have.

Q What did you do?

A I corrected --

THE CHAIRMAN: If anything?

THE WITNESS: I corrected the ground crew.

BY MR. SINCLAIR:

Q In what way?

A I inquired as to why the signal has been given on the left side.

Q When is the last time you did that?

A That would be -- I would say about two months ago.

Q Yes, what was happening then?

A They were coupling up in the classification yard, coupling up 41 to double on 39 to make a pull-down for the departure yard.

Q What did you tell them?

A I asked them what was the reason they were giving signals on the left side and they told me it was easier, it saved them climbing on top of the cars or advising the assistant general yardmaster to stop the engine by radio.

Q If they want to do that, do they do it through the talk-back?

A Through the talk-back they call the assistant general yardmaster on the talk-back who in turn calls the engine by the two-way radio system.

Q Now, that was the last time. Can you remember in your experience as a yardmaster whether you had to meet that situation often, or what has been the situation?

A No, I cannot recall it. It might have happened at different times but unknown to me.

HON. MR. MARTINEAU: Mr. Sinclair, I do not understand where the men were when they were signalling on the left-hand side.

MR. SINCLAIR: I think he said over in the classification yard, sir, but I forget what he said -- 38 --

THE WITNESS: 41, classification.

BY HON. MR. MARTINEAU:

Q Was it actually easier for them on the left side at that place? It seems that the tracks are straight?

A No sir, there is a curve. If you notice on Exhibit 53, it shows classification, 48 tracks. 39 would be on a curve in that position when he pulls to the throat. On making the double he would come out with probably 30 cars.

Q What is a double?

A A double is to pull off one track and back up to move on the other track to take the two tracks down in one batch to the departure yard.

Q It would be a curve to the left?

A That is right.

MR. SINCLAIR: There is a curve to

the left just north of the throat as the engine is coming down. What the witness is saying, if I may -- well, rather than my interpreting what he is saying I think I should let him tell you.

BY MR. SINCLAIR:

Q What are you saying, Mr. Johnson? Spell it out. Do not take these shortcuts.

A When the engine pulls off 41 classification the rear of his batch will stop at No. 39 switch. By doing that the engine is at the throat of the yard which puts the batch of cars that are on the engine on a left-hand curve, and with the batch of cars, approximately 30 to 35, he has to back up to couple on to No. 39 classification before pulling down. Therefore the engine is on a left-hand curve.

BY HON. MR. MARTINEAU:

Q Is Track No. 48 the most westerly track?

A That is right -- no, the most easterly.

Q I had understood you to say that Track No. 1 was on the east side.

MR. SINCLAIR: From the left to the right on the plan. I am awfully sorry, sir. I may very well have said that, they move from left to right on the plan.

BY MR. SINCLAIR:

Q You were telling the Commission that you spoke to the yardman and he said it was easier for him and what did you say to him?

A I told him that he should do the move properly, that there is no reason why signals should be given on the left side. The field man and the engine follower could get on top of the cars to give the movement properly.

Q Go on. What happened? Did he agree or disagree?

A He agreed and I have not noticed it since.

BY THE CHAIRMAN:

Q So far as it being easier, he was right?

A-2-2

A He was right, being easier for him, yes sir.

BY HON. MR. MARTINEAU:

Q For him, easier for him?

A Easier for him, yes sir.

BY MR. SINCLAIR:

Q Now, Mr. Johnson, why do you want the signals to be given direct to the engineman from the ground crew in St. Luc?

A That is the proper way for signals to be given, to the engineman.

Q Why?

A To avoid -- it can avoid confusion. If there are two engines working on separate leads there would be no danger of confusing signals. And it is a safe practice to give signals from the right side at all times.

Q When you say "confusing", what do you mean by that, two engines working on --

A On opposite leads. If one crew happened to be giving signals on the left --

Q Do you mean opposite leads?

A On parallel leads.

Q You are saying "leads" here. So that we do not get the words mixed up, we are using leads or ladder tracks and yard tracks we call yard or body tracks. What are you talking about?

A At the St. Luc yard at the south end of the classification yard --

Q Referring to Exhibit 53?

A Exhibit 53, the tracks are in groups of twelve, and an engine crew working 1 to 12, if they used a signal on the left side and another engine crew was working on the lead, 13 to 24 --

Q That is body tracks, sir, as we have been calling them, yard tracks. Yes?

A There could really be a mistaken signal given there.

Q Now, Mr. Johnson, what do firemen do on the yard diesels in St. Luc?

A There is nothing for them to do.

Q What do they do? Are they on them?

A They are on them. They sit and look around.

Q What are they looking for?

A I don't know, sir.

Q Are they always sitting there looking around?

A Lately they have been.

Q What do you mean by "lately they have been", witness?

A Well, they understand the situation today,

that the company is trying to take firemen off engines and they are trying to make their job look as if it is responsible.

Q Are you saying that the situation is different now than it was at an earlier time?

A Very much so.

BY THE CHAIRMAN:

Q Well, what is the difference?

A I have noticed yard engines going up before with firemen in a slouched position. As far as I could see, they were asleep. By the time I climbed up in the engine most of the times they would be awake and alert then.

BY MR. SINCLAIR:

Q Is there anything else, witness? What about watching in the direction of movement? Is there any difference in that?

A Very often they would be in a reverse movement and the firemen would be looking forward.

Q Do you find that now?

A No sir. I have made several checks and today they are looking in the direction of movement.

Q Now, in St. Luc do you have problems with trespassers?

A No sir.

Q Why not?

A We have a gate, we have had a gate installed at Westminster crossing and we have a watchman on there and he keeps the gate down at all times and the cars coming in, the automobiles owned

by employees, have company stickers on them which permit them in the yard. If there is no company sticker they have to identify themselves before he will raise the gate.

Q What about pedestrians, children?

A No sir, I have not seen any pedestrians or children in the yard.

Q You work at night, do you?

A Yes sir, 8 p.m. until 8 a.m.

Q Are there children anywhere near this yard in the summer when you go to work?

A No sir, I have not noticed any.

MR. LEWIS: Where is this Winchester crossing?

MR. SINCLAIR: Westminster crossing.
Westminster is --

THE WITNESS: It is almost level with the enginemen's bunkhouse, Westminster Avenue there.

BY MR. SINCLAIR:

Q It is the entrance to the yard from the south through Montreal West?

A That is right.

Q The gate is down in here --

THE CHAIRMAN: The gate is where?

MR. SINCLAIR: I am sorry.

BY MR. SINCLAIR:

Q Will you just say where the gate is, witness?

A Westminster Avenue runs almost parallel with the enginemen's bunkhouse and the gate is right at the roadway of the yard.

Q Westminster Avenue in Montreal West is carried over the track and it extends north in line with the enginemen's bunkhouse, and when it enters the company's property there is a gate? Is that what you are saying?

A Yes.

MR. LEWIS: Is there a gate for the track?

THE WITNESS: A gate just over the roadway, not over the track.

BY HON. MR. MARTINEAU:

Q Is it to the east of the bunkhouse?

A Just a little east of the bunkhouse.

BY MR. SINCLAIR:

Q Whereabouts would Westminster Avenue stop?

A Westminster Avenue stops at the yard.

Q But this is an extension of it on company property?

A On company property, yes sir.

HON. MR. MARTINEAU: How does Westminster run?

THE WITNESS: According to this chart it would run south to west.

MR. SINCLAIR: Well, on an angle.

THE CHAIRMAN: The witness said it stops at the company's property. I assumed that Exhibit 53 showed all company property. There is more than company property on Exhibit 53?

MR. SINCLAIR: Oh yes.

THE CHAIRMAN: Where is the east boundary of the company's property, approximately?

MR. SINCLAIR: I am instructed, sir, that it runs as a line just east of the most easterly part of this group of tracks and buildings in the centre of Exhibit 53.

THE CHAIRMAN: It runs from north to south?

MR. SINCLAIR: North to south and it cuts across to the east underneath the receiving yard and east and south to the signal tower.

THE CHAIRMAN: Where is Montreal West with regard to this plan, on the east or west side?

MR. SINCLAIR: On the east side, south and east.

THE CHAIRMAN: Then Westminster Avenue comes from the east, does it?

MR. SINCLAIR: From the southeast.

THE CHAIRMAN: Does it cross the Winchester subdivision?

MR. SINCLAIR: Yes sir. That is the main line into Windsor Station away down there.

BY THE CHAIRMAN:

Q Does it cross the St. Luc branch?

A Yes sir.

Q And then goes straight over toward the enginemen's bunkhouse?

A Yes sir.

Q And so far as Westminster Avenue is concerned it comes to an end where it strikes the company's property?

A That is right.

Q And that is before it gets to any track?

A Yes sir.

Q And is there a gate at the entrance to the company's property?

A Yes sir.

Q That is what you mean?

A Yes sir.

BY HON. MR. McLAURIN:

Q Your title is general yardmaster?

A Yes sir.

Q And you have yardmasters under you?

A That is right.

Q And you are the boss of this layout from 8 p.m. until 8 a.m.?

A That is right.

Q There is another boss for the daytime shift?

A The assistant superintendent is on the day-time shift.

Mr. Johnson

BY MR. SINCLAIR:

A In switching in St. Luc, Mr. Johnson, are you ever bothered by bad weather.

A Yes sir. We have fog quite often there in the fall and the spring of the year.

Q How do you switch then?

A We have five minute green fusees that are used for hand signals and we also use the talk-back and the radio for making doublings.

Q Do you ever have icy weather in St. Luc?

A Yes.

Q What do you do then?

A When we have doublings to be made, which normally would require men on top of the cars, that is done by the talk-back system and the radio the same as in foggy weather.

Q Mr. Johnson, at my request, a couple of weeks ago you made a number of observations?

A That is right.

THE CHAIRMAN: Is this a new exhibit?

MR. SINCLAIR: Yes sir.

THE CHAIRMAN: Exhibit 54.

EXHIBIT NO. 54: Record of Observations
of actions of firemen
in yard diesels during
switching operations,
C.P.R., St. Luc yard.

THE CHAIRMAN: What is it?

MR. SINCLAIR: It is a record of observations
of actions of firemen in yard diesels during switching

J.E.Johnson

operations and consists of 12 pages.

MR. LEWIS: Is that all in the St.Luc yard?

MR. SINCLAIR: Oh yes. This witness is all the St.Luc yard.

MR. LEWIS: Perhaps it should be named that way.

MR.SINCLAIR: St.Luc.

BY MR.SINCLAIR:

Q Have you got a copy of Exhibit 54, Mr.Johnson?

A Yes sir, I have.

Q Did you make these observations that are in these sheets signed by you?

A Yes sir, I did.

Q Looking at Exhibit 54, would you please comment on page 1?

A Page 1, the fireman was running the engine.

Q What kind of move was this?

A They were making up train No.92, pulling 14, 18 and 19 classification yard for 24 departure yard.

Q The fireman was running the engine?

A The fireman was running the engine.

Q Yes? Just go on. There were no signals relayed on the left side and the ground crew were in the proper position on the engineman's side.

Q Under (c), number of times engineman asked fireman for information, you say, "None"?

A None, no information relayed from the fireman to the engineman or from the engineman to the fireman.

Q And under (d) you say that the engineman was

J.E.Johnson

sitting on the left side?

A The engineman was sitting on the left side observing the direction of the movements.

MR.MUNDELL: I take it that where it says "engineman", since the fireman was running it in this case it actually means the fireman.

MR. SINCLAIR: Yes, because we have got the general comment on the actions of fireman and it says "engineman sitting on left side".

BY MR. SINCLAIR:

Q When did you make that observation?

A I made that observation on the morning of the 25th. That was between 2 a.m. and 3 a.m.

THE CHAIRMAN: The sheet is dated February 24.

THE WITNESS: The shift started on the 24th.

Mr. SINCLAIR: You will see that the starting time of the assignment is 11.59 p.m., February 24th.

THE CHAIRMAN: I see.

MR. SINCLAIR: And then at the bottom it says that he made the observation between 2 a.m. and 3 a.m. of the 25th.

BY MR. SINCLAIR:

Q About how long were you on the engine?

A I was on almost an hour from the time I left the yard office and I watched other moves on the ground and then I rode the cab. It is very close to the hour that I was in the cab.

J.E.Johnson

Q Then, No.2, what move was being made on No.2?

THE CHAIRMAN: Page 2.

MR. SINCLAIR: Page 2.

THE WITNESS: That crew pulled 20 classification yard for 35 departure yard. When pulling out of No.20 classification the fireman called "Clear on the classification lead."

Q That is a straight pull-down?

A That was a straight pull-down, no doubling.

Q Go ahead? The fireman called "clear on the classification lead"?

A On the classification lead, and the fireman called the switch in the departure yard.

Q What is your comment on the necessity for that?

A There was no necessity for it. The engine follower was up in the cab watching the movements and when we pulled down on 35 departure yard the engineman enquired from the fireman regarding spotting the train at the air plant. The air plant was on the left side of the pull-down, but it is the engine follower's job to see that the train is spotted at the air plant.

Q Was he in position to do so?

A No sir, he got off on the right side and he walked ahead. He would have been in position if the fireman had not called but when the fireman called the engineman took his instructions from the fireman.

Q Page 3 of Exhibit 54, what kind of move is this,

J.E.Johnson

Mr.Johnson?

A This engine was taken over at the yard office.
The engine arrived at the change-off track at
6.40 a.m.

BY THE CHAIRMAN:

Q The change-off track, what is that?

A Sometimes engines come out of the shop track
and when the engines work a continuous shift
they change off in front of the yard office.

Q Which yard office are you speaking of?

A In front of the general yard office.

Q Where is the general yard office? I see
receiving yard, classification yard --

A Right in the centre at the throat of the yard
between the classification and departure.

Q Oh yes.

BY MR. SINCLAIR:

Q The engine arrived there --

A At 6.40 a.m. and the fireman arrived at 6.50 a.m.
The fireman checked the oil filter and the water
in the radiator which took approximately five
minutes. The engineman checked the oil supply.

Q What comment have you got on that?

A I feel it is the engineman's duty to check the
engine.

Q But firemen do it, do they?

A Firemen -- they generally assist the enginemen.

Q Now, just go on with your comment on this?

A This shift had instructions to pull No.4 and 8
classification yard for 42 departure yard.

J.E.Johnson

Q Yes?

A The engine follower was on the second car from the engine.

BY THE CHAIRMAN:

Q Pulling or pushing?

A Pulling. The engine follower was on top of the second car from the engine. The yard foreman and field man were making the couplings. After the couplings were made the engine follower gave a proceed signal to the engineman and he proceeded and pulled that batch of cars down to clear No.8 and then backed into No.8 classification to double.

BY MR. SINCLAIR:

Q Who gave him the back-up signal?

A The field man relayed the back-up signal to the engine follower there on top of the cars.

Q And he gave it to him?

A The engine follower gave it to the engineman.

Q Any other comment? I think it speaks for itself. You made these observations between what times?

A I was on the engine at 6.45 a.m. and I stayed on until 7.45 a.m. until the move was completed.

Q The next one, page 4, what is your comment on that?

A I was not present when the shift started and they pulled No.4 --

MR. LEWIS: May I respectfully interrupt.

Whenever the words "not present when shift started"

J.E.Johnson

appear under the heading "Describe preparatory duties performed if any", that means that the witness was not present?

THE WITNESS: That is right.

MR. SINCLAIR: You were worried about the fireman not being present.

MR. LEWIS: No, I was not worried. I read it meaning that way and I was very surprised that my learned friend had not drawn attention to it. I now see the explanation.

THE CHAIRMAN: I had the same impression but it was gradually corrected.

THE WITNESS: I was not present when the shift started. This crew had instructions to pull No.4 and 5 classification yard for the lead -- the lead will be right at the throat -- and to run around the cars and push them on No.24 departure yard. When the engine went on No.4 --

BY MR. SINCLAIR:

Q Just a minute. When you say "run around and push them," just explain that?

A The crew will pull the cars on the lead clear of the cross-over switches to allow him to go back up on a clear track to get behind the batch he has pulled down.

Q On that kind of move, just for the commission, would you place the ground crew? Where would the ground crew be?

A The engine follower was on the engine.
The field man --

J.E.Johnson

BY THE CHAIRMAN:

Q Where was he?

A He was on the right frontstep of the engine.

BY MR. SINCLAIR:

Q Yes?

A The field man and the yard foreman were standing at the rear of their batch to line the switches for the engine to get behind the batch to push.

Q And then what happened? Where did the ground crew go, if any place, when the pushing movement started?

A The engine follower then automatically changed positions with the field man and he took the leading car.

Q Who is he?

A The engine follower.

Q Took the leading car?

A Took the leading car that was being pushed and the field man stayed with the yard foreman on the engine to repeat the signals from the engine follower who was on the side of the car giving the proceed signal.

Q The side of the car where?

A On the side ladder.

Q At the point of the movement?

A At the point of the movement, yes sir.

Q You made that observation between 1 a.m. and 2 a.m. approximately of the 26th. Did you time these?

J.E.Johnson

A Not exactly, sir. It was about 1 a.m. when I got on the engine. I would go out in the yard and observe a few movements of the engine and then when the engine came close I would get on the engine and observe movements from the engine and when they would start to push I would get out and observe movements from the ground.

Q Now, page 5 of Exhibit 54.

THE CHAIRMAN: I think we might take a break here, Mr. Sinclair.

--- Recess.

--- On resuming.

BY MR. SINCLAIR:

Q We were at page 5 of Exhibit 54, witness.
What is your comment on that?

A Page 5, the fireman was running the engine and when pulling out of the classification yard the engineman called "Clear lead." The engine follower was in the cab when we started to pull down.

Q Whereabouts in the cab?

A On the left side, sir.

Q Was he sitting down, standing up or do you remember?

A He was sitting down on the left side.

Q Yes? Go on.

A The fireman is a passed man. He is qualified

J.E.Johnson

to run an engine.

Q The engineman and the fireman had exchanged positions?

A Yes sir.

Q Yes?

A The engineman was sitting on the left side observing movements. This was a doubling, 44 and 45 classification yard, pulled down to the departure yard.

Q Any other comment on that one?

A With the engine follower in the cab there was no necessity for the engineman that was on the left side to call signals. The engine follower could see them clearly.

Q And the man operating the engine in this case was the fireman?

A That is right.

BY THE CHAIRMAN:

Q Well, according to page 5 all signals were given on the righthand side?

A Yes. When pulling out on the lead that is a lefthand curve coming out on the lead, but with the engine follower being in the cab he could see the signals. He saw that the signals were right.

BY MR. SINCLAIR:

Q You mean signals by switch stands?

A Switch stands.

Q Not hand signals?

A No, sir.

J.E.Johnson

Q It was an observation rather than any relaying?
Is that what you are saying?

A That is right.

Q And do I put it rightly -- if not correct me --
that you are saying that was not necessary
because the engine follower was riding the
left side of the cab in a position to make
observations for the engineman?

A That is right.

BY THE CHAIRMAN:

Q For instance, on page 5, under "During switching
operations" where it says "Number of times signals
relayed" that means actually given by hand, does
it?

A That is right.

Q And then we go down to (b) where it says
"all signals on right side". Those would be --

A Hand signals.

Q That is still referring to hand signals?

A Hand signals.

THE CHAIRMAN: I thought, Mr. Sinclair, that
you said something about them all being fixed signals
and the movement was made simply by observation.

MR. SINCLAIR: In this case, sir, if I have
assessed and summarized the evidence properly, after
the engine follower got on the cab they were then
lined up and they were pulling down into the departure
yard and the fireman was on the engine and the engineman
was on the lefthand side and the engineer called across

to the fireman "Clear lead."

BY MR. SINCLAIR:

Q In other words, he is saying to him that the switch stands are all lined right down the lead? Is that right?

A That is right.

MR. LEWIS: And they were on the lefthand side.

BY MR. SINCLAIR:

Q Were they on the lefthand side?

A The siwtches were on the lefthand side, yes sir.

MR. SINCLAIR: And the witness says that was not necessary, that the engine follower was in the cab on the lefthand side in a position to make the observation for the engineman.

THE CHAIRMAN: I see.

BY MR. SINCLAIR:

Q Page 6, witness?

A Page 6, this engine works on the repair track spotting crippled cars and also switching out cars that have been repaired for connection with fast freights or pushing cars on the lead that will be taken to the hump to be rehumped.

Q In this case the fireman was again running the engine?

A The fireman was running the engine.

Q And the engineman was where?

J.E.Johnson

A The engineman was on the left side observing movements.

Q Yes? Anything unusual?

A We were backing on No.8 repair track with three cars on the engine, which is a lefthand curve --

BY THE CHAIRMAN:

Q Three cars being pulled or pushed?

A Pushed, a lefthand curve and the ground crew were in position relaying signals to the fireman who was running the engine. They were on the right side. When we were backing up the engineman called to the fireman that there were cars on the track but this was not necessary because the fireman was taking signals from the ground crew.

BY MR. SINCLAIR:

Q The fireman in this case being --

A Running the engine.

Q -- in control of the engine?

A That is right.

Q And in control of the movement was whom?

A The ground crew that was relaying signals to the fireman that was running the engine.

Q Page 7?

A Page 7 is a hump engine.

Q I notice you have engine No.7038 and B-100. Is that a 1,000 horsepower switcher with a booster coupled on behind?

J.E.Johnson

A That is right.

Q This is what is known around St.Luc as the
cow and the calf?

A That is right. The engine was going by the
west loop to get behind track No.14 to push
over the hump.

Q Track 14 in the receiving yard?

A Over the hump.

Q To push the hump?

A There is a dwarf signal at Hampstead.

BY THE CHAIRMAN:

Q Which?

A A dwarf block signal.

MR. SINCLAIR: That is defined on page 115 of Exhibit 27, sir.

THE WITNESS: When we arrived at that signal --

BY MR. SINCLAIR:

Q When you arrived at the dwarf?

A The fireman called to the engineman "Green block". If the engine does not go too close to this it can be seen by the engineman as this engine travels on the west loop from the hump to the receiving yard without any ground crew. He meets his ground crew at the north end of the receiving yard.

Q Yes?

A The engine was brought on track no. 14 with the foreman and engine follower and the curve was on the fireman's side and although the engine follower was on the right front steps relaying signals to the engineman the fireman called "Five carlengths", which was not necessary as the engineman was taking hand signals from the engine follower.

Q You mentioned the signals on this west loop. Are they time locked, witness?

A Yes sir.

Q And that means, if I may lead on this -- I do not think it is controversial -- that the signal cannot be taken away except after a certain time interval?

A That is right.

Q They are automatically controlled so that the signal cannot be thrown in the face of a movement?

A That is right.

Q Once you get the indication it cannot be changed within a certain period of time?

A That is right.

THE CHAIRMAN: Are they hand set?

MR. SINCLAIR: They are electrically operated.

BY THE CHAIRMAN:

Q From the signal tower?

A From the signal tower at Hampstead.

BY MR. LEWIS:

Q If I may, is the time that the signal is set a pre-determined time or is that time related to the movement?

A It is related to the movement. It depends on the situation. Some might be timed for 30 seconds; some might go as far as two minutes.

BY MR. SINCLAIR:

J. E. Johnson

Q Who sets them up?

A They are set by the maintenance of way.

BY THE CHAIRMAN:

Q I do not follow that. What do you mean by that? Who sets what?

A The time of the switches.

Q Oh yes, but is it the man in the signal tower who presses a button for that particular switch who determines whether it will be time locked for 30 seconds?

A No sir, it is an automatic time lock. He cannot change it.

MR. SINCLAIR: It is built in the interlocking plant as part of the integral^{system}/of the control of the movement electrically.

BY THE CHAIRMAN:

Q As I understand it, the man in the signal tower is informed what the movement is to be?

A That is right.

Q And when?

A That is right.

Q And he operates the signal accordingly?

A That is right.

BY MR. SINCLAIR:

Q Is there any further comment on this one?

A No sir, that will be all for that one.

Q Page 8?

A Page 8 is an engine that works in the departure

J. E. Johnson

yard.

Q This is at what end of the departure yard, the south end?

A The south end.

Q What was this move?

A This move, he was marshalling train no. 951.

Q Marshalling, what do you mean by that?

A That would be putting the cars in station order.

Q Flat switching?

A Yes sir. The engine follower was near the first car next to the engine.

Q Yes?

A The field man was turning the switches for the cars and the yard foreman was giving the field man instructions from the switch list that he receives from the yardmaster. Although this engine pulls ahead and backs up, the engine follower does not always stay close to the engine as there is a switch tender on duty at that point that watches the movement of the yard engine and other engines that might come out of the shop to go on trains and lines the switches also for the departure of main line trains.

Q In this case were any signals sent down the left-hand side?

A No sir, there were no signals given on the left side.

Q Was the fireman used at any time as a signal passer?

A No sir.

Q And was not requested nor did he volunteer information?

A No sir.

Q You were on that engine how long, witness?

A I was on that engine from 12.30 a.m. to 1.30 a.m.

Q Actually right in the cab or on the ground and in the cab?

A I was on the ground about 10 to 15 minutes of that time watching movements.

Q When you say on the engine you mean following the engine?

A In the vicinity following the engine very close to the movements.

Q Now, page 9?

A Page 9, the fireman was running the engine when pulling 40 classification yard for the departure yard.

Q A straight pull-down?

A A straight pull-down. The engineman called "Clear Lead" and in the departure yard he called the switch.

Q What is your comment on the necessity of that?

A There was no necessity. He pulled 40 classification yard for 30 departure yard. As the engineman could see that switch --

Q That is the man running the engine?

A The man running the engine; excuse me, the fireman was running the engine. The fireman that was running the engine could see that switch before he would foul that point.

Q When the man on the left side called "Clear Lead" where was the engine follower at that time?

A He was just climbing into the cab. He had given the proceed signal and he started to climb into the cab.

Q Page 10?

A Page 10, this engine was standing light in front of the yard office. He was sent to couple up 24 classification. That is a track we keep orders on, cars that we receive with no bills and when the bills are received the track has to be re-humped and to avoid delay humping it is common practice to couple a track up ready so they will not delay the humping. Then he was sent to couple 23 classification and pull it down to clear at the south end of the classification yard so the hump engine would not have to lose time coupling up and taking the room on that track.

Q On this move coming out would the diesel be engine first or cab first?

A On coming out the engine would be head first.

BY THE CHAIRMAN:

Q Going south?

J. E. Johnson

A Going south the engines are head first in St. Luc yard. When we started to back up the engineman called the fireman to see if everything was clear on the left side.

BY MR. SINCLAIR:

Q Yes?

A Although backing up cab first the engineman had a full view and he could see he was lined up.

Q Why did he call out then?

A Apparently because I was in the cab. There was no necessity for it.

MR. LEWIS: Mr. Chairman, how would the witness know that? Let my friend argue that later.

THE CHAIRMAN: I suppose the answer should be "There was no necessity for it", or something like that.

MR. LEWIS: That is right.

THE WITNESS: There was no necessity for it.

BY MR. SINCLAIR:

Q Page 11?

A This engine started at 4.00 p.m. The engine arrived at the change-off track at 3.40 p.m. The fireman arrived at the engine at 3.55 p.m.

Q You have set out what he did?

A Yes, the fireman drained the air reservoir. The engineman noticed no flagging kit and sent the fireman to advise the yardmaster to have a flagging kit delivered to the engine in the

A-4-8

J E. Johnson

yard. They were ready to start at 4.00 p.m.

Q Any further comment? What about (a) on page 11 of Exhibit 54?

A Pardon?

Q Have you any other comment? What about heading (a)?

A Number of times signals relayed through fireman, none. The ground crew were on the right side. The fireman called all the switches on the left side.

BY THE CHAIRMAN:

Q What does that mean?

A He advised the fireman of the position of the switches.

BY MR. SINCLAIR:

Q He advised --

A Excuse me, he advised the engineman of the switches on the left side.

Q What about the necessity for that in your opinion?

A There was no necessity.

Q Why?

A The ground crew could see them there.

Q Who was controlling the movement?

A The ground crew. The engine was light and backing up to go on no. 2 classification.

Q Any further comment on that one?

A When the engine was light, to back up to go on to no. 2 classification the engineman

J. E. Johnson

asked the fireman how it was on the left side.

BY THE CHAIRMAN:

Q I understood from what you just said that the cab of this diesel was at the point of the movement?

A That is right.

Q And it was backing up?

A Right.

Q And nothing in front of the cab?

A Right.

Q Could the engineer see everything the fireman could see?

A The engineman had a clear view. The engineman could see his route of movement very clear.

Q But you say he asked the fireman?

A He asked the fireman.

BY MR. SINCLAIR:

Q Page 12 of Exhibit 54?

A Page 12 is also a departure yard engine.

Q Is there anything in particular that you want to draw to the attention of the Commission about this observation, Mr. Johnson?

A At no time did the fireman call the engineman's attention to the left side or did the engineman ask if there was anything on the left side. They were flat switching, making up a train for an extra to Labelle.

BY THE CHAIRMAN:

Q An extra what?

A An extra train to Labelle.

BY MR. SINCLAIR:

Q Flat switching?

A There was only one engine working in the departure yard and at that point where he makes that train up there is no interference with other engines.

Q It is assigned down in that part of the yard to make up trains?

A He is assigned in the departure yard to make up trains, but in this particular ~~part~~ there is no engines, and if the train is not complete before the engine for that train comes out of the shop the yardmaster contacts the assistant general yardmaster to check with the crew by the talk-back or radio to find out if he should hold the engine until the train is completed or if it will be in order to let the engine go down to get that train.

Q And if it is not completed --

A If it is not completed they hold the mainline engine near the departure yard office until such time as it is completed and then the engine backs down, so there is no interference with the yard engine down that lead.

Q At my request, witness, you also made certain observations of preparatory duties.

THE CHAIRMAN: Exhibit 55.

J. E. Johnson

EXHIBIT NO. 55 -- Summary of
Operations made
by general yard-
master J.E. Johnson
of work performed
by firemen during
preparatory inspec-
tion period, Cote
St. Luc yard.

MR. SINCLAIR: This is a summary of observations made by general yardmaster J. E. Johnson of work performed by firemen during preparatory inspection period, Cote St. Luc yard. I think this exhibit, Mr. Chairman and members of the Board, is in the same form as that introduced by Mr. Shepp. It speaks pretty much for itself under the various headings. I would ask the witness to run through them and make any comments he wishes to the Commission. You will notice that the first four observations on February 28 were diesel and the last four on March 1 are steam. You will recall that Exhibit 5 sets out the preparatory inspection arbitraries for both steam and diesel that are applicable.

BY MR. SINCLAIR:

Q Yes, witness?

A The first item is a yard switcher working from 3.00 p.m. until 11.00 p.m., 7033, diesel engine.

Q Yes?

A The fireman arrived at 3.03 p.m. The reason for that was the engine did not arrive at the change-off point until 3.03 p.m. so the fireman was there to meet the engine.

Q But he would come on duty --

A At 2.45.

Q Because there is a 15 minute arbitrary?

A That is right.

Q So when the engine arrived there he had been on duty under the arbitrary plus his regular shift starting at 3.00 p.m. Or 18 minutes? Is that correct?

A That is correct. The fireman checked his engine with the engineman. He followed the engineman around looking at the engine and he got a pail of water. The engine made its first move out at 3.11 p.m.

Q Now, the next one is a yard switcher, from 4.00 p.m. to 11.59 p.m. It is a diesel. The fireman arrived at the change-off point at 3.55 p.m., and what did he do?

A He lit the red lamp for the rear of the engine.

BY THE CHAIRMAN:

Q What is involved in that?

A For yard protection.

BY MR. SINCLAIR:

Q How does he light it?

A He lit the red hand lamp.

Q Just an oil lamp?

A Just an oil lamp.

BY THE CHAIRMAN:

Q He struck a match and lit the lamp?

A That is right.

BY MR. SINCLAIR:

Q And that engine had arrived at 3.43 p.m.?

A That is right.

Q And the fireman arrived at the change-off at 3.55 p.m., five minutes before the commencement of his regular 8-hour shift, although he had been on arbitrary time from 3.45 p.m.?

A That is right.

BY THE CHAIRMAN:

Q Is that red lamp carried on the outside at the front or rear of the engine?

A Outside at the rear of the engine.

Q It is hung out there?

A Yes.

BY MR. SINCLAIR:

Q The next one is an assignment from 3.00 p.m. to 11.00 p.m. It is a yard switcher, diesel, and the fireman arrived at the change-off point at 2.58 p.m. and the locomotive arrived at 2.57 p.m.

MR. LEWIS: You have skipped one, I think.

THE WITNESS: Four p.m. to 11.59 p.m., 7079.

BY MR. SINCLAIR:

Q Right. Have you any comment on that one?

A The engine arrived at the change-off track at 4.00 p.m. and the fireman was waiting for the engine and got right on the engine. He opened the side doors and got a pail of water and it was ready to move at 4.06 p.m.

J. E. Johnson

Q That is 7079. Then, 7080 is an assignment from 3.00 p.m. to 11.00 p.m.?

A That is right.

Q The fireman arrived at 2.58 p.m. and the locomotive arrived at a minute earlier at 2.57. Was there any work performed by the fireman?

A He checked the engine with the engineman, followed the engineman around while the engineman was inspecting the engine.

Q You say "followed the engineman around". What do you mean by that?

A The engineman was going around the engine opening the side doors and the fireman was about two feet behind him and he would close the side doors after the engineman had looked in and occasionally the fireman would also look in the engine.

Q All right. Now you come to steam, March 1, and you made an observation on 2457 which is a steam engine?

A Yes sir.

Q It was ordered for 11.00 p.m., and that is train no. 88 for Quebec. The fireman arrived at 10.42 p.m. You have no time for the locomotive arriving for change-off. Why have you no time there?

A That engine is turned out on the shop track.

Q. All these steam are shop track engines?

J.E.Johnson

A That is right. They might be turned out an hour and a half, an hour to two hours ahead of the time they are ordered.

Q And these diesels are all what are known as doubles?

A That is right.

THE CHAIRMAN: Known as what? .

MR.SINCLAIR: Doubles, they come in and go right out again. These steam engines were all taken off the shop track.

BY MR. SINCLAIR:

Q Is there any particular comment that you wish to make on 2457, steam?

A From my observation/^{the}fireman checked the water in the tender.

Q Did he do anything else?

A Not that I could see, sir.

Q And the next one, 2406, steam, what did the fireman do?

A Ordered for 11.15 p.m., the fireman arrived at 10.48 and the fireman checked the water in the tender.

Q Did he do anything else?

A As far as I could see that was all.

Q Where were you making these observations?

A I was making them on the shop track but I did not stand very close to the engine. I was observing the time they came on duty and what work they were doing outside.

J.E.Johnson

If there was any inspection in the cab I could not see it from the point where I was standing.

Q Are you a mechanical man, Mr.Johnson?

A No sir.

Q The next one, 2810, steam?

A 2810, steam, was ordered for 11.20 p.m.

The fireman arrived at 11 p.m.

Q You have got it down that he checked the water in the tender and the flagging kit. Is that all you observed?

A Yes sir. This engine I walked up a little closer as that was the last engine that was on the track and I noticed that he checked the flagging kit.

Q Did he do anything else?

A Not to my knowledge, sir.

Q And the same situation pertains for 5341, steam?

A That is right.

Q Now, on each of these steam observations the fireman would be ordered for 30 minutes ahead of the time the train is ordered to leave the shop track? Is that right?

A That is right.

MR. LEWIS: That would not be true of the first four, would it?

MR. SINCLAIR: I said "steam". They are diesel.

MR. LEWIS: Oh, I beg your pardon.

J.E.Johnson

BY MR. SINCLAIR:

Q As I understand it, Mr.Johnson, I am instructed that these are road engines and the man would come on duty at 10.30. For instance, take the first one, 2457, the 11 o'clock train, the engine would be ready to pull the train at 11.15 so there is actually 45 minutes including the initial time. Is that right or do you know? That is a road movement. Do you know?

A Train 88 was ordered for 11 o'clock and should leave at 11. The engine should leave the shop track at 10.45, have his brake test and be ready to leave at 11.

Q And it is 10.48 on the righthand side?

A Yes.

Q The 15 minutes is to get on his engine?

A Yes.

THE CHAIRMAN: Mr.Sinclair, if I may catch up a little bit, I should like to go back to the first one, February 28. The shift begins at 11 o'clock. Apart from the arbitrary allowance, the shift is to begin to run from 11 o'clock.

MR. SINCLAIR: Which?

THE CHAIRMAN: I am sorry 3 o'clock February 28, the shift begins at 3 o'clock.

THE WITNESS: Three o'clock.

THE CHAIRMAN: And apart from the arbitrary allowance or preliminary duties the shift would begin at three o'clock.

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MR.SINCLAIR: That is right, sir.

THE CHAIRMAN: But normally he should arrive some time before that.

MR. SINCLAIR: He is paid to arrive 15 minutes before that under the arbitrary.

THE CHAIRMAN: Under the arbitrary.

MR. SINCLAIR: There is a fixed time of 15 minutes. He books out and reads the bulletins --

THE CHAIRMAN: I am interested in the time. Then he should be there at 2.45.

MR. SINCLAIR: That is what he is paid for.

THE CHAIRMAN: Normally.

MR. SINCLAIR: He should book out at 2.45.

THE CHAIRMAN: In this case, because the engine was not there, he . booked out --

MR. SINCLAIR: We do not know what time he booked out.

THE CHAIRMAN: Presumably at 2.45.

MR. SINCLAIR: That is what the book would show in any event.

THE CHAIRMAN: Then, the time he arrived at the shop track, 3.03 p.m., that does not matter because the engine was not there.

MR. SINCLAIR: The engine was not there. He just has to wait until the engine comes in. The man comingⁱⁿ/would be on overtime?

THE WITNESS: Yes sir.

MR. SINCLAIR: If he is after his shift time?

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THE WITNESS: Yes sir.

THE CHAIRMAN: This exhibit is supposed to show the time actually consumed in comparison with the time allowed by the arbitraries.

MR. SINCLAIR: With one exception, not taking into account any time that it takes for the man to book out, read the bulletins and get to the change-off point.

THE CHAIRMAN: I appreciate that. What is the significant time? Taking the first one, what is the significant time that you say you want to compare with the arbitrary allowance of ten minutes in the case of diesel --

MR. SINCLAIR: Fifteen minutes preparatory time.

THE CHAIRMAN: Fifteen, all right.

MR. SINCLAIR: Our position is that there is an allowance of 15 minutes. If the engine is late --

THE CHAIRMAN: I just want to ask you about this first example. What is the time that you want to set opposite the 15 minutes?

MR. SINCLAIR: The time I want to set opposite the 15 minutes is the time for actual work performed.

THE CHAIRMAN: How many minutes?
Eight minutes?

MR. SINCLAIR: Sir, you cannot say. Actually there was no time here. In the first example his shift time did not start until 3 p.m. and the engine

did not arrive until after that time so that actually he was on pay for whatever preparatory work he did on his regular shift time. I would argue in due course, sir, that the actual point of example No. 1 is that in that case he was on pay for any work that he was required to do and that the arbitrary in this case was for no work at all except in so far as the time was used up in booking out and reading bulletins.

THE CHAIRMAN: All right, I follow that. Take the next one. What is the time you want to compare with the 15 minutes?

MR. SINCLAIR: Well, my argument as to the second one would be that the engine arrived at the change-off point at 3.43 p.m., 17 minutes before the commencement of the shift, but the fireman did not come out to do whatever work he wanted to do or thought he should do until 3.55 p.m. and the engine moved off five minutes after the commencement of the shift. The point we will make and what I will argue there, sir, --

HON. MR. McLAURIN: Ten minutes -- no, five minutes after the commencement of the shift.

MR. SINCLAIR: The point I will argue is that many times yardmen have to get their instructions and various things of that nature at the yard office. They have to walk over from the yard office to the engine. They do not go on duty except at shift time, and any work -- and we say there is very little required --

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can be done in that time and therefore the arbitrary is not required. In due course I will argue that this case shows --

THE CHAIRMAN: I appreciate all that, but I just want to get the two figures that you want to set side by side.

MR. SINCLAIR: There are three figures. The fireman came out at 3.55 p.m. --

THE CHAIRMAN: No, there are two, one of them is 15 minutes. In the case of engine 7041 there is another figure that you want to compare with that.

MR. SINCLAIR: Sir, the man is paid from 3.45, 15 minutes.

HON. MR. McLAURIN: 2.45.

MR. SINCLAIR: 3.45. He is paid from 3.45. For ten minutes he was doing something, booking out, reading bulletins or whatever he was required to do.

We would say that in this case that is demonstrably wrong because the change-off point is right in front of where he books out, and it does not take ten minutes.

What we are saying is that he does not come out to the point until 3.55 p.m. although the engine was standing at that point from 3.43 p.m. on. He does not come out. He did come out at 3.55 p.m. but even after he did come out the engine did not make its first move until 4.05 p.m.; in other words, 20 minutes after he came on

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pay, and what this demonstrates --

THE CHAIRMAN: That is the figure I was asking for. What is the figure in the third one?

MR. SINCLAIR: It is 3.45 against 4.06. That would be 21 minutes.

THE CHAIRMAN: And the next one?

MR. SINCLAIR: In the next one we are into steam now, sir.

THE CHAIRMAN: No, we are not into steam.

MR. SINCLAIR: I am sorry.

THE CHAIRMAN: February 28, 7080.

MR. SINCLAIR: I am sorry, sir. That is 2.45 to 3.07, 22 minutes. March 1, 2457 steam, we are into the 30 minutes here. That would be 10.30 as against --

THE CHAIRMAN: Wait a minute. Why are you into the 30?

MR. SINCLAIR: Steam.

THE CHAIRMAN: I am looking at Exhibit 15.

MR. SINCLAIR: This is a road engine. I asked the witness and he said all these steam movements were road movements.

THE CHAIRMAN: I remember now. All right. Take the first one.

MR. SINCLAIR: Thirty minutes, so it is 10.30 as against the time moving off which should have been 10.45. That is 10.15. It leaves the shop track 15 minutes before the time ordered to give him 15 minutes to put on the train ordered

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for 11 o'clock. The man would be paid for preparatory time from 10.15, so the times are 10.15 against 10.48, or 33 minutes.

THE CHAIRMAN: What about the next one, 2406?

MR. SINCLAIR: 2406, that would be 10.30 as against 11.22. That would be 52 minutes. The next one would be 10.35. That would be 48 minutes.

THE CHAIRMAN: And 5341?

MR. SINCLAIR: 5341, that is 10.45, and from 10.45 to 11.30 is 45 minutes.

THE CHAIRMAN: All right. Thank you.

BY MR. SINCLAIR:

Q Witness, you also made some observations of final inspection times at Cote St.Luc?

THE CHAIRMAN: Exhibit 56.

EXHIBIT No.56: Summary of observations made by general yardmaster J.E.Johnson or work performed by firemen during final inspection period, Cote St.Luc yard.

MR. SINCLAIR: Exhibit 56 is headed "Summary of observations made by general yardmaster J.E.Johnston of work performed by firemen during final inspection period, Cote St.Luc yard."

BY MR. SINCLAIR:

Q Looking at this one, witness, these are all diesels except 5347 which is the fifth one on Exhibit 56.

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What is your comment here?

A 7 a.m. to 3 p.m., yard switcher 7080, diesel, arrived at the change-off track at 2.57 p.m. The fireman applied the hand brake and left the engine at 2.58.

MR. SINCLAIR: The comparison there, sir, would be one minute, 2.57 to 2.58 as against the ten minutes paid for, one minute actually 10 minutes paid for , and the only time that would be used up there would be to walk to the booking in office and to register.

BY MR. SINCLAIR:

Q By the way, do they book in?

A They do not book in. There is a yardmen's mess room and they sometimes put their overalls in the locker there.

Q That is right. That would be the normal situation, but at Cote St.Luc do regularly assigned crews book out and book in?

A Not unless the engine is taken out of the shop, off the shop track or left on the shop track.

Q So the only thing they have to do is read any bulletins that there may be?

A That is right.

Q They do not have to sign a register at Cote St.Luc, the regularly assigned men?

A Not at the change-off points in the yard.

Q And of course there is no reading of bulletins

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when they come in? That is when they go out?

A That is right.

Q So that actually there is ten minutes paid for one minute on the engine and the balance of the time would be to walk from the change-off point to the mess hall. How far would that be?

A That might be 100 feet, sometimes 200 feet. It depends on just where the engine is stopped.

Q From 100 to 200 feet. The next one?

A 7 a.m. to 2 p.m., yard switcher 7033, diesel, the engine arrived at the change-off track at 3.03 p.m. The fireman applied the hand brake and stepped off the engine at 3.04 p.m.

Q That is again one minute actually against ten minutes paid for. The next one?

A 8 a.m. to 4 p.m., yard switcher 7041, diesel, arrived at the change-off track at 3.43 p.m. The fireman applied the hand brake on the engine and stepped off at 3.45.

Q Two minutes as against the arbitrary of ten. The next one?

A 8 a.m. to 4 p.m., yard switcher 7079, diesel, arrived at the change-off track at 4 p.m. The fireman was applying the hand brake before the engine had stopped.

Q Let me go back one, Mr. Johnson. February 28, diesel 7041, the engine stopped at 3.43 p.m. That is 17 minutes before the shift was over?

A Yes.

Q And the fireman was actually off the engine 15

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minutes before his shift pay was over?

A That is right.

Q And on top of that he gets ten minutes, and so in that case, sir, I think I said one minute as against ten but it is actually one minute as against 25.

MR. LEWIS: Two minutes.

MR. SINCLAIR: My friend corrects me, two minutes as against 25.

HON. MR.McLAURIN: You have no complaint about their quitting. The work is done.

MR. SINCLAIR: We still have to pay them for that.

. HON. MR.McLAURIN: But you are not complaining about that? That is not an issue?

MR. SINCLAIR: What we are complaining about is paying the arbitrary on top of that.

HON. MR.McLAURIN: And you say this sort of thing happens so often that is another reason for the arbitraries being removed or reduced.

MR. SINCLAIR: Eliminated is our position and paid on a time limit basis when we require the men.

BY MR. SINCLAIR:

Q As to the next one, you said that the fireman was applying the hand brake before the engine stopped?

A That is right, and he stepped off the engine at 4.01 p.m.

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Q One minute actually against ten minutes paid for?

A Right.

Q The next one is a steam engine?

A The next is a steam engine, terminal stransfer, works from 9 a.m. to 5 p.m.

MR. SINCLAIR: This is a yard movement, Mr. Chairman, under which the 15 minute arbitrary would apply. I am instructed that a single shift transfer is paid as a road engine.

BY MR. SINCLAIR:

Q Is this a single shift?

A Yes sir.

Q And in this case this would be paid as a road engine?

HON. MR.McLAURIN: Thirty minutes.

MR. SINCLAIR: Twenty, I think in the east. Yes, it is 20 minutes for steam in the east and 30 minutes in the west, sir.

BY MR. SINCLAIR:

Q So here it came in at 4.47 p.m. and the fireman got off the engine at 4.48 p.m.?

A That is right.

Q You have got nothing for what he did. What does that mean?

A The engine stopped and it was 4.48 that the fireman stepped off the engine so there could not have been anything done from the time it stopped until he stepped off the engine.

Q And that was a movement that was paid for until 5 p.m.?

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A Yes.

Q The shift finished at 5. p.m.?

A That is right.

Q And the man was off the engine at 4.48, a minute after it arrived at the shop track?

A Yes.

Q And that would give him one minute's work there as against 32 minutes paid for.

THE CHAIRMAN: Where did you get that 20-minute figure?

MR. SINCLAIR: The twenty minutes is from Exhibit No.5, sir, filed by Mr. Gossage. That is the eastern region. It is the first column, shop final inspection, steam, 20 minutes. It is the fourth under freight service.

THE CHAIRMAN: Thank you.

HON. MR.MARTINEAU: I did not get how many extra minutes.

MR.SINCLAIR: One minute actually, 32 minutes paid for.

HON.MR.McLAURIN: You say he did not do anything for his 20 minute arbitrary.

MR. SINCLAIR: Yes, for certain in this case nothing at all. He was on his way home.

BY MR.SINCLAIR:

Q Now, the next two, 8472 and 8571, are a two unit diesel coming in and it arrived at the shop track at 5 p.m. and the fireman stepped off one minute later. Is that correct?

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A That is right.

Q And went off?

A That is right.

Q And in that case again the final inspection was one minute and actually there are ten minutes paid for.

MR. LEWIS: He had two hours overtime.

THE WITNESS: That is right.

MR. SINCLAIR: He had two hours overtime and the arbitrary is paid at pro rata rates for the full amount, as I understand the schedule.

THE CHAIRMAN: What does this witness say as to whether or not Exhibit 56 gives a representative picture or whether these are isolated instances?

THE WITNESS: No, that is quite regular for moves like that, sir.

THE CHAIRMAN: Can you say this from your own observation although you have never made time checks?

THE WITNESS: I have made checks but did not keep any record of them.

THE CHAIRMAN: Well, we will adjourn now for lunch.

The Commission adjourned at 12.30 p.m. to resume at 2.00 p.m.

AFTERNOON SESSION

--- The Commission resumed at 2.00 p.m.

JOHN EDWARD JOHNSON, recalled

MR. SINCLAIR: Sir, I must apologize. This morning when we were dealing with Exhibit 56, the final inspection summary of Mr. Johnson, I referred to engine 5347, steam. That is the fifth one.

THE CHAIRMAN: The second last.

MR. SINCLAIR: The second last, on terminal transfer, and I said that the shop final inspection, steam, in the east on a one-shift basis was 20 minutes. You will recall I said 15 minutes and I then consulted and I was told 20, and it is 15. Therefore the total there would be -

THE CHAIRMAN: Instead of 32 it would be 27?

MR. SINCLAIR: That is right, sir, one actual minute worked and 27 paid for rather than 32.

HON. MR. MARTINEAU: Let me get this 32 right so I do not make any mistake. What is the 32? Will you please tell me?

MR. SINCLAIR: In this case the shift time was 5.00 p.m. and the time that the fireman got off the locomotive was 4.48 p.m. That was 12 minutes. I added to that the arbitrary which I said

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was 20 minutes by referring to Exhibit 5 being steam final inspection, freight. That was wrong. Instead of 20 it should have been 15. Therefore you add 12, being the difference between 4.48 and 5.00 o'clock, and the arbitrary payment of 15 minutes, which is additional to the shift time, making a total of 27.

HON. MR. MARTINEAU: Yes, but out of those 27 minutes you said that the man would be busy a minute or two?

MR. SINCLAIR: One minute in regard to work on the engine, and if he booked in the time to walk ^{from} where the engine stopped to the booking in, to where he booked in.

THE CHAIRMAN: About two minutes.

MR. SINCLAIR: I do not know how far he would walk or how long it would take him. It would depend on where the engine stopped. Let us say five minutes.

HON. MR. MARTINEAU: So that should be deducted from the 27 according to your contention in order to show how much more he received than the time he worked.

MR. SINCLAIR: That is right. Maybe I should add that on a steam engine there may be farther to walk to the booking in point than there would be on a diesel which is being doubled & changed off without going into the shop. As the witness said, the diesels are changed off right in front of the yard office. He is speaking of

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Cote St. Luc, and in addition he said that on these types the crews do not book out or book in.

HON. MR. MARTINEAU: So the one or two minutes which you spoke about for the diesels might be increased to five minutes for the steam.

MR. SINCLAIR: That is correct, sir.

BY MR. SINCLAIR:

Q We had completed, Mr. Johnson, your comments on the observations that you had made both on the ground and riding engines, which is Exhibit 54 and Exhibits 55 and 56 being the arbitraries. Now, have you given consideration to the effect of removing firemen from yard diesels, Mr. Johnson?

A Yes sir, we have.

Q We?

A The officers of the company.

Q Where at?

A At St. Luc and through Park Avenue, through the superintendent.

Q When was that done?

A That was several months ago Mr. Martin was talking to us about that.

BY MR. LEWIS:

Q Who is Mr. Martin?

A Mr. Martin is superintendent of the terminals.

BY MR. SINCLAIR:

Q And what were your personal conclusions?

A My personal conclusions were we could run

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efficiently without firemen.

Q And was there anybody who disagreed with that in your conferences?

A No.

Q What about safety?

A We would still be operating safely without a fireman on the engine.

Q Why do you say that? Is there any particular reason for saying that?

A If the yardmen are properly positioned with the engine follower riding the right front step on a pull-down he would have a clear view and a direct signal to the engineman, and I feel we could operate safely.

Q Now, in your opinion and based on your experience, Mr. Johnson, who has the better view of a movement, engine ahead?

A The engine follower properly positioned on the front steps would have a much better view.

Q Than whom?

A Than the fireman.

Q What about the engineman?

A And the engineman. He would have a clear view in front of the engine and a direct signal which he would be giving to the engineman who would be watching his signals.

Q Now, as to efficiency, based on your opinion what would be the effect of the removal of fireman from yard diesels in St. Luc? What would be the effect on efficiency?



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A I do not think efficiency would decrease. I think we would -- we could run efficiently without them.

Q Would there be any moves slowed down in your opinion, Mr. Johnson?

A There might be some moves that would be slowed down a little waiting for the engine follower to position himself on the right front step of the engine.

Q Let us take a move that is going down from the classification yard to the departure yard. If the engineman goes forward before his engine follower comes down, when does the engine follower get on the move or where does he get on?

A Sometimes after the engine has started a pull-down the engineman has to wait for the engine follower to get to the engine.

because the engine follower is required to uncouple the engine after the pull-down is made, uncouple the engine in the departure yard after the pull-down is made and contact the yardmaster to inquire what track to go back by.

Q So would it be correct to say that he has to get to the point of the movement in any event?

A Yes sir.

Q And your suggestion is what?

A Well, he might wait in the classification yard

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a few minutes for the engine follower to get there but in any event he would have to wait for him farther down.

Q And are you suggesting he may as well wait one place as the other?

A That is right.

MR. SINCLAIR: That is all. Please answer my friend.

MR. LEWIS: Mr. Chairman, I have spoken to Mr. Sinclair and asked him whether he would have any objection to going on with another witness who I understand would also deal with Montreal so that I might have a little time for preparation before cross-examination. He has been kind enough to say to me that he is willing to do so, with your permission.

THE CHAIRMAN: All right. Who is the next witness?

MR. SINCLAIR: Mr. Adrien Lefrancois.

ADRIEN LEFRANCOIS, sworn

EXAMINED BY MR. SINCLAIR:

Q Mr. Lefrancois, you joined the Canadian Pacific in 1918?

A Yes sir.

Q December, 1918, and your first job was what?

A Switch tender.

Q Where?

A Outremont yard.

Q And you acted as a switch tender at Outremont until 1928?

A That is correct.

Q When you were made a yardmaster in Outremont?

A In Outremont yard.

Q You were ten years a switch tender at various points in Outremont yard?

A In Outremont yard.

HON. MR. McLAURIN: And then yardmaster at Outremont.

MR. SINCLAIR: Then he was appointed a yardmaster at Outremont.

BY MR. SINCLAIR:

Q That was in May, 1928. You held that position until June, 1941?

A Yes sir.

Q At which time you were appointed what?

A General yardmaster, Montreal terminals.

Q Working what time of the day, day or night?

A I was working from 6.00 p.m. to 7.00 a.m.

Mr. A. Lefrancois

daily except Saturday.

Q You were night general yardmaster, Montreal terminals for a period of ten years?

A Yes.

Q And in January, 1951, you were appointed assistant superintendent?

A Montreal terminals.

Q And your jurisdiction consists of the entire terminal?

A The entire terminal under the jurisdiction of Mr. Martin, but my real territory was Windsor Station, Westmount, Montreal West, the sorting yard and Cote St. Paul and LaSalle yards.

Q Those are all yards?

A Yes.

Q St. Henri?

A St. Henri, including the Glen yard.

Q The various yards that you have named. And would you have work to do in St. Luc, for instance?

A Yes, I spent about a year in St. Luc in 1950.

Q And have you had ^{work} to do at Hochelaga?

A Oh yes, when I was night yardmaster I was all over the terminal, all yards, except St. Luc. St. Luc was not built at that time.

Q And as assistant superintendent do you know the work in Hochelaga?

Mr. A. Lefrancois

A Yes.

Q And Mile End?

A Yes.

Q Place Viger?

A Place Viger, Angus.

Q The wharf?

A The wharf.

Q All Montreal yards?

A All the Montreal terminal.

Q The whole terminal?

A The whole terminal.

Q Now, what kind of switching is done, Mr. Lefrancois, in these yards that you have been talking about, LaSalle, Cote St. Paul, Glen, St. Henri, Mile End? What kind of switching is done?

A The LaSalle yard we are having transfers running from St. Luc with cars for Cote St. Paul, LaSalle, Atwater, and these transfers, after they arrive at LaSalle they classify the cars for the different places, for these places.

Q Would that be industrial switching?

A And after that for industrial switching.

Q Are these various yards other than the St. Luc yard mainly industrial yards?

A Yes, mainly industrial yards like LaSalle, Cote St. Paul, Mile End, they are industrial. Place Viger and Hochelaga, we have got some other switching because Hochelaga is the

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connection with the C.N.R. and the wharf.

Q The yards outside of Hochelaga and Place Viger are industrial yards?

A Yes.

Q And Hochelaga and Place Viger, what type of switching do you do there, flat switching?

A Yes, at Place Viger we are doing some flat switching.

Q And Hochelaga?

A Yes, some flat, very little but we are doing some flat switching too.

Q Hochelaga is mainly the transfer with the Canadian National, is it?

A The Canadian National there and the National Harbours Board.

THE CHAIRMAN: What about Place Viger?

PY MR. SINCLAIR:

Q What is the main work done at Place Viger?

A We switch l.c.l. shipments for the shed at Place Viger and also carloads to be unloaded in the yard and industrial like Canada Packers and Swift Canadian, industrial sidings.

Q The shed is less than carload. You said l.c.l., the less than carload freight shed?

A The freight shed.

Q And also putting cars where they are unloaded directly from the cars?

A Yes, delivery truck.

Q Delivery truck. They are sometimes known as

Mr. A. Lefrancois

team tracks?

A Yes.

Q At these points you have been speaking of, Mile End, Outremont, LaSalle, et cetera, do they have sidings off the yards to the various industries throughout Montreal?

A Yes.

Q And do the yard engines spot these sidings?

A Yes sir.

Q Is that their main work?

A That is their main work.

Q Now, Mr. Johnson has explained to the Commission what happens at Cote St. Luc, how the trains are yarded and classified and built and set up for departure. He has also explained shortly what a transfer is. I think maybe I would like you to tell the Commission more about what a transfer is.

A A transfer is composed of a yard crew, a yard foreman and two yardmen, the engineer and the fireman, and they are handling cars from one yard to the other, but they mostly leave St. Luc yard to go to Place Viger, Hochelaga, Mile End, LaSalle, and hauling cars back from those yards to St. Luc.

Q And these transfers also do switching to industries in these small yards?^{A.}/At LaSalle.

Q At LaSalle and the other yards. They are kept busy hauling back and forth.

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A exactly.

Q Taking the Montreal terminals as a whole, including Cote St.Luc, the whole terminals over which your jurisdiction applies, how many assignments would you have?

A We are running an average of 68 yard assignments.

Q 68 yard assignments and how many transfers?

A Between 22 and 24.

Q Does that include yard switching, industrial switching and transfers?

A Yes, 68 yard.

Q Including industrial?

A Yes, that is including industrial.

Q And 22 to 24 --

A Industrial and transfers.

Q That is including the industrial switching done by transfers at LaSalle?

A At LaSalle.

MR. LEWIS: That is in 24 hours.

BY MR. SINCLAIR:

Q That is in 24 hours?

A 24 hours.

Q Now, what is your motive power assignment, Mr. Lefrancois?

A We have 27 diesel and about 15 steam assigned to the Montreal terminals.

BY HON. MR. MARTINEAU:

Q How many diesel?

A 27.

Q And steam?

A 15.

BY THE CHAIRMAN:

Q Does that include St. Luc?

A Yes.

BY MR. SINCLAIR:

Q Your answer is yes?

A That includes St. Luc yard.

Q That includes the diesels assigned to St. Luc?

A St. Luc as well.

Q What power do you use on the transfers?

A The power, mostly all steam power but sometimes we are using these road switchers and at weekends these 7,000 horsepower yard engines.

Q Sometimes you are using on the weekends the 1,000 horsepower diesels?

A Diesel.

Q That is the 7000 class?

A Yes.

Q That is like Exhibit 35, I think. Now, the other diesels, how many horsepower are they?

A We have 6500 class, 660 horsepower.

Q That is 660 horsepower and your steam yard engines, do you use them on your transfers?

A On transfers.

Q And what class of power is that?

A We call them P-2 engines. That is 5400 and 5300.

Q P-2?

A And the P-1, 5100 and 5200.

Q The P-1.

A And the N-4 are 3400 or 3500 and the N-2 are 3600 or 3700, and we are using a class of 6900 but I don't **know** the name of that one, 6900, a small type, a real yard engine.

Q A real small yard engine. Now, let us take the N-2's and the N-4's. Are they stoker or hand-fired?

A The P-2, 5400, are stoker.

Q The P-2's are stoker?

A And there are some P-1's stoker too.

THE CHAIRMAN: You started to ask him about the N's.

MR. SINCLAIR: He swun, it that way.

THE CHAIRMAN: Well, try to keep it in the groove.

MR. SINCLAIR: All right.

BY MR. SINCLAIR:

Q What about the N class, the N-2 and the N-4?

A The N-2, I could not say if they are stoker, the 3700 and 3600. I think they are not, but the mechanical -- I am not very well versed in that.

Q What about the N-4?

A The N-4, they are not. They are shovel.

Q They are not?

A They are not.

Q They are hand-fired.

THE CHAIRMAN: Keep your voice up a little.

BY MR. SINCLAIR:

Q They are not?

A They are not.

Q The N-2's are not either, Mr. Lefrancois?

A All right.

THE CHAIRMAN: What are the N-2's?

MR. SINCLAIR: The 3700.

THE WITNESS: 3700 and 3600.

MR. SINCLAIR: They are hand-fired.

Actually I think there is no dispute about this.

BY MR. SINCLAIR:

Q As I understand it, all except the P-2's and maybe some P-1's are hand-fired. The

P-2's and P-1's are stokers but all the rest are hand-fired?

A Hand-fired.

Q All the various classes except the P-2's and the P-1's. Now, leaving aside transfers but taking steam engines that do industrial switching, Mr. Lefrancois, based on your experience from what is happening at the present time and a for a few years back, about how much coal would these industrial switching steam locomotives use on an 8-hour shift?

A I would say between 4 and 5 tons.

Q And transfers --

A In eight hours.

Q Yes, on a shift of eight hours, and what about the transfer engines? Would they use less?

A They would use more. They would use more because they are handling heavy batches, and especially when they are coming up from Hochelaga uphill they use more coal.

Q How much?

A I would say 8, 9 or 10 tons maybe in 8 hours. It depends on the batches they are handling. If they are handling heavy batches from St. Luc and back to St. Luc they are going to use more. If it is a light batch they will not use very much.

Q Now, what is the speed of switching moves in your yards, leaving aside Cote St. Luc?

A I would say the speed of a yard engine in yards, especially in the industrial engines, is between one to six miles an hour.

Q And what about your transfers?

A On transfers between yards, they travel between 20 and 25 miles an hour.

Q And on these transfers between yards in Montreal terminals is that territory mainline territory?

A It is mainline territory with signal indication.

Q Mainline territory on signal indication.

Now, when switching is done we have heard that it is done at yard speed. What does that mean to you, Mr. Lefrancois?

A It is the speed that you can stop in half the length of your vision.

Q Do they operate that way?

A Yes, they do in general; they operate that way.

Q Will you speak up, Mr. Lefrancois. It is very difficult to hear and I know it is very difficult for you but try shouting.

THE CHAIRMAN: Just as if you are in the yard.

BY MR. SINCLAIR:

Q Now, Mr. Lefrancois, if you are given a choice as to what kind of power you can have for your work in the Montreal terminals, steam or diesel, which do you choose?

A Diesel.

Q Any doubt about that?

A There is no doubt about it.

Q Why?

A First, you are not losing time on preparatory time because it does not take very long and the engineman has a clear view, a better view on a diesel than on a steam engine, and they do not go to the shop every 24 hours like steam do. They only go there every month for a general checkup.

Q Yes?

A And really they are more economical for the company because we can run them cheaper than a steam engine.

Q They do not use as much fuel?

A As much fuel.

Q You said the diesel gave the engineman a better view. Why is that?

A First, backing up, the cab is wide open at the back. There is no obstruction of any kind behind so they can see on both sides of the movement.

Q Yes?

A Ahead, there is no steam bothers them.

Q And even aside from steam, is there any difference in the view?

A From the side?

Q Yes.

A It is a better view.

Q And do steam engines give you any other trouble in yard work?

A The steam engine, first and foremost, the engine has got to be inspected at the beginning of a shift. He has got to take water. If he is running short of coal he has got to go and get coal, so he is losing 20 or 25 minutes, sometimes more.

Q And do steam engines affect the footing in the yard?

A In winter months the steam of the engine sometimes blocks his view and then the water running out of the engine makes the place for the yardman to walk slippery and then that ice has got to be picked up. The ice has got to be taken away by the maintenance of way, by the section forces.

Q And for all these reasons you would much rather have --

A For all these reasons I prefer a diesel.

Q Now, how are moves made in these Montreal terminal yards? I want to say, Mr. Lefrancois, that, unless I tell you when I ask the question, I am excluding St. Luc so we will not duplicate the evidence we have had from Mr. Johnson. How are moves made in the Montreal terminals with these diesels?

A With these diesels we are pulling cars engine ahead and we are pulling cars cab ahead and at St. Luc the hump engines are working on

cab signal.

HON. MR. MARTINEAU: Do you have a plan of the Montreal terminals? Do you think it might not help the Commission if, when you are talking about yards, we had a plan?

MR. SINCLAIR: The Montreal terminal plan is a very very large one and it is not all really one.

HON. MR. MARTINEAU: You are talking of one location particularly.

MR. SINCLAIR: I have prepared for this witness examples from various yards which I intend to introduce with him. They are little blueprints, and if there are any additional ones that occur to the Commission or, indeed, to my friend, that he would like to have I will be glad to get them supplied. I have some that I will introduce to the witness. I could get the whole layout, sir.

HON. MR. MARTINEAU: It is too widespread but when you are talking of one particular yard, if you could have a sketch, a blueprint, it would be helpful.

MR. SINCLAIR: I will have a few of those which I will deal with later, sir.

BY MR. SINCLAIR:

Q Just speaking generally, you said that some of the moves are pulling cars cab first and some are pulling cars engine first?

A Yes.

THE CHAIRMAN: That is hardly a contradistinction. The engine is doing the pulling

and sometimes the cab is first and sometimes the cab is second.

MR. SINCLAIR: I think he went on to say something about Cote St.Luc.

BY MR. SINCLAIR:

Q Witness, forget about Cote St.Luc. That has been explained. I will put it this way, if I may. How are your yard engines headed?

A Our yard engines are always to suit the conditions, to try to have the engineman with the best facilities to see the signals relayed to him by the ground crew. If it is a right-hand curve the engine is placed so they will be on the right-hand curve, like Hochelaga. Hochelaga, for example, the engines are working cab up to the hill because the curve is a right-hand curve.

Q Yes?

A Mile End, that is contrary. There are different yards and some are curved to the left and some curved to the right. It is pretty hard to place it to suit all the curves, so we are working head west, engine towards the west. In the Glen yard we are working engine to the west, cab towards the Windsor Station.

Q And St.Paul?

A In St.Paul we are working the engine cab to the west, towards LaSalle.

Q Yes?

A Place Viger, cab to the east facing Place Viger, head first to Place Viger.

Q So that as you go off the lead, as you go off a body track as you back out --

A Yes.

Q What part of the engine is leading the movement?

A The cab.

Q The cab leads the movement on the back-out?

A Yes.

Q That is the way you are placing your engines for these industrial switching jobs?

A Yes, to suit conditions. Take Mile End. It is headed west. It is a different thing at Mile End.

BY THE CHAIRMAN:

Q Do I understand from that that in the moves made in these areas, whether the movement is forward or back, as far as the engine is concerned whether it is pulling or pushing the engine is so placed that when the engineer is looking in the direction of the movement that he is going, if there are any cars in front of him they are always to his left?

A We are trying to have --

Q Is that right?

A Yes, to the left. I get you now.

Q Is that what you mean?

A Yes, because you see when he is coupling on a batch of cars --

Q When what?

A When he couples on a batch of cars we are trying to have our engines turned so the curve is going to be on this side.

Q This side means --

A On the right.

Q So that the cars will be to the left of the engineer's line of vision?

A Exactly.

Q That is what you try to do?

A Yes sir.

BY MR. SINCLAIR:

Q And do you succeed in every case?

A No, we do not because you see, especially in industrial sidings --

Q And when you have curves the other way what do you do?

A Well, the crew has got to place themselves, spread themselves to exchange signals with the engineman.

Q They have to spread themselves, they have to place themselves, to exchange signals with the engineman? Is that what you said?

A Yes.

Q Will you please speak up, Mr. Lefrancois.

What is the practice in the Montreal terminals as to the relaying of signals? What is the practice? Who relays them to whom?

A The ground crew relays them to the engineman on the right, on his side. That is an old practice.

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β . It is shown that the system has solutions for all values of the parameters α and β if the function $f(x)$ is continuous and has a bounded derivative.

2. In the second part of the paper the problem of the uniqueness of solutions of the system of equations (1) is considered. It is shown that the system has a unique solution for all values of the parameters α and β if the function $f(x)$ is continuous and has a bounded derivative.

3. In the third part of the paper the problem of the stability of solutions of the system of equations (1) is considered. It is shown that the system has stable solutions for all values of the parameters α and β if the function $f(x)$ is continuous and has a bounded derivative.

Q Is there any place in the Montreal terminals to your knowledge where it is necessary to use the fireman as a signal passer?

A No sir, there is no place.

Q Have you checked all these sidings, Mr. Lefrancois?

A I did check them.

Q Yourself?

A Oh yes, myself.

BY THE CHAIRMAN:

Q This practice that you have just spoken about of passing the signals to the engineer, has that always been the practice?

A Always been the practice.

BY MR. SINCLAIR:

Q Have there ever been any exceptions to that?

A Yes, we had a case at Hochelaga at the Dominion Oilcloth. They were giving signals to the fireman so we went down there with Mr. Everett, the other assistant superintendent.

Q How did you find out about that?

A Because I heard the yardmen talking in the yard office at Hochelaga. They were telling us they could not place their cars without relaying signals to the fireman.

Q The yardmen were telling you that?

A Yes.

Q And so what did you do?

A We went there and we saw what kind of movement they were making and we arranged our movement

and we showed them that they could relay the signals direct to the engineer.

MR. SINCLAIR: I have a little plan of that, and this is just an example.

BY HON. MR. MARTINEAU:

Q When did this incident you have just spoken about happen?

A Oh, about three weeks, about a month ago.

THE CHAIRMAN: Exhibit 57.

EXHIBIT NO. 57 -- Place Viger,
plan showing
Delorimier yard
lead and Dominion
Oilcloth and
Linoleum Company
Limited Siding.

MR. SINCLAIR: Exhibit 57 is a plan showing the Delorimier yard lead and Dominion Oilcloth and Linoleum Company Limited siding.

HON. MR. McLAURIN: Place Viger.

MR. SINCLAIR: It is part of the Place Viger yard. It is an industrial siding which comes within the general ambit of what we call the Place Viger yard. It says "Delorimier yard lead." Delorimier is a little yard that makes up part of the Place Viger yard and from which this industrial siding is served.

BY MR. SINCLAIR:

Q Looking at Exhibit 57, Mr. Lefrancois, is this the place that you were talking about?

A Yes, Dominion Oilcloth.

THE CHAIRMAN: Are there any directions

on this plan?

MR. SINCLAIR: Right up where it says "Carter White Lead Company." We have got arrows on this.

THE CHAIRMAN: Oh yes. Thank you.

HON. MR. McLAURIN: Is north at the bottom of the plan?

MR. SINCLAIR: North points to the little white part here where the agenda and identification are put on the plan. If I may say so, the reason why the directions are so funny is that we have clipped this out of larger plans. Rather than going to the expense and trouble of drawing them, we have clipped them.

THE CHAIRMAN: North is really to the right.

MR. SINCLAIR: North is to the right generally.

BY MR. SINCLAIR:

Q Now, Mr. Lefrancois, had they always switched on the fireman's side over here before you went over, or do you know?

A Really I was not aware of that. It was only that they were discussing the matter at Hochelaga.

Q They were having discussions at Hochelaga?

A They were discussing the matter at Hochelaga. That is the reason I went down there to see it.

Q And did you discuss the matter with the

yardmaster?

A Oh yes, and the yardmaster told me they had no reason to do it so that is the reason I went down with him after that.

Q Why did the yardmaster say they had no reason to do it?

A Because he maintained they could handle these cars into the siding on the engineman's side.

Q Had the yardmaster ever done it himself?

A Oh yes, he done it himself.

Q He did it himself?

A Oh yes, because he was a yard foreman.

Q And he said there was no need to do it so you went down?

A Yes.

Q Just explain this move to us and tell the Commission how this move should be arranged. This is called Dominion Oilcloth and Linoleum Company Limited and there is a track in there. Is that a building?

A The track is inside of a building.

Q The track is inside of the building?

A And there is no clearance on both sides.

THE CHAIRMAN: Which track is being spoken of?

BY MR. SINCLAIR:

Q The one in red?

A The red is the track.

Q The red is the track you are going to deal with?

A There is no clearance on both sides.

Q What about the top?

A The top also, no place at all, no clearance.

Q No clearance on either side or on the top?

How many cars can go in there?

A That siding holds about five cars.

Q Five cars inside the building? Is that what you say?

A Five cars.

Q All right. Just start away back where this red line commences and take the move right in for the Commission.

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A The first move, the foreman walks up to the siding and he has all the doors opened.

BY THE CHAIRMAN:

Q Excuse me, is this move going to be in or out of this building?

A Starting it is marked from Place Viger, away up.

Q It is going to be into the building?

A In this building.

Q And is the locomotive leading or on the tail end?

A Pushing.

Q It is pushing.

BY MR. SINCLAIR:

Q How many cars would it have hold of?
Let us start right back where the red line starts. How many cars would it have hold of?

A We will say five cars.

Q And take the move from the beginning of the red line until you have placed the cars right in Dominion Oilcloth?

A All right. The movement starts with the two yardmen on the right side of the engine.

Q Where is the yard foreman?

A The yard foreman is located right at the entrance to the building.

Q How does he get there?

A He walks there.

Q I see the track goes over Notre Dame Street?

A Underneath.

A.Lefrancois

Q That is what that means; that dotted line means a viaduct?

A Yes.

Q So you go underneath Notre Dame Street?

A Yes.

Q Yes?

A Then they proceed right on the righthand side and they push the cars right in the building and the lead man, he is the foreman, he is located right at the entrance.

BY HON. MR. MARTINEAU:

Q On what side?

A Right at the entrance of the building.

Q On the righthand side?

A On the right side.

Q Which would be on the east side?

A It would be on the west side.

BY MR. SINCLAIR:

Q There is a little extension out from the building?

A That is a platform.

Q And you have the foreman on the platform side or on the other side?

A No, he is standing west of the platform on the west side because he has got to be on the right side of the engineman.

Q He is on the opposite side to the platform?

A The opposite side to the platform.

Q Which is on the engineman's side backing in.

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BY HON. MR. MARTINEAU:

Q But the engine is backing, pushing and backing?

A Pushing and backing in. He is backing up.

THE CHAIRMAN: This is the first time we have heard that. Well, we have it now.

MR. SINCLAIR: That is what I realized, Mr. Chairman.

BY MR. SINCLAIR:

Q Which way is the engine headed?

A Backing.

Q Which way is the engine headed?

A Cab first.

Q Cab first. It is up against the cars?
It is pushing?

A Yes.

BY THE CHAIRMAN:

Q And the yardmen apart from the foremen are riding where?

A On the right side of the engine, one on the first car and the second one about the third or fourth car.

Q You said a minute ago that the yardmen were riding on the side of the engine but they are riding on the box cars. We want to get this accurately so we understand the picture, just as though we looked at it ourselves.

BY HON. MR. MARTINEAU:

Q Where are they on the cars? Are they on top

The first part of the paper is devoted to a general
discussion of the problem.

The second part is devoted to a detailed
analysis of the case.

The third part is devoted to a discussion of the
results.

1952

The fourth part is devoted to a discussion of the
conclusions.

The fifth part is devoted to a discussion of the
conclusions.

1952

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The sixth part is devoted to a discussion of the
conclusions.

1952

The seventh part is devoted to a discussion of the
conclusions.

The eighth part is devoted to a discussion of the
conclusions.

The ninth part is devoted to a discussion of the
conclusions.

The tenth part is devoted to a discussion of the
conclusions.

1952

The eleventh part is devoted to a discussion of the
conclusions.

The twelfth part is devoted to a discussion of the
conclusions.

1952

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of the cars?

A No, on the side.

Q Hanging from the side?

A On the side.

BY MR. SINCLAIR:

Q One is on the first car. Does that mean right next to the engine?

A The car next to the engine and the other one about the third or fourth car from the engine. He is pretty near the tail end, the leading end.

Q And the foreman is down --

A At the door of the Dominion Oilcloth Building.

Q Yes?

A And when they were backing up, the old system they had, they used to stop right where it is marked "to Place Viger" on the blueprint, right at the switch there.

Q That is where the other track goes over to the Canadian Bronze Company?

A Yes. They were stopping there and they were changing position. The two yardmen, they were crossing from the right side to the left side.

Q Yes?

A And the foreman was doing the same thing at the entrance to the building. He was getting on the platform.

Q He was getting up on the platform of Dominion Oilcloth?

A Yes, and they were pushing the cars in on the

A.Lefrancois

left side.

Q Yes?

A So when we went there we saw the move and we stopped that movement and we told them to stay on the right side and push their cars right inside the building from the right side and after that cross over on the left side on to the platform to spot their cars.

Q How would they give the signals then?

A The signals, the foreman walks to the block, to the end of the siding. The other yardman stays right opposite the engine, the cab of the engine and the other yardman gets on the deck of the engine or on the second step and he relays the signals to the engineman directly because he is cab first and he has a clear vision of him.

Q And that is the way you showed them how to do it?

A Yes.

Q And have you been back to see how they are doing it?

A I went back a couple of times and they were doing it the way we told them to do it. I don't know if they are doing it all the time but when we went there they were doing it.

BY HON. MR.MARTINEAU:

Q Why were they not doing it to begin with?
What was their difficulty?

A Because it was easier for them to do it; it was easier for them to do it the other way.

A.Lefrancois

Q There do not seem to be any bad curves there?

A It is a bad curve, but the only thing --

Q Where is the bad curve?

A The only thing there is no clearance on the right side.

Q Because of what?

A The building.

Q Because of the building?

A Because we are going into the building right there, the Dominion Oilcloth Building, and the siding is in the building and there is no clearance. There is just room for the cars, but the only thing, there is a platform on the left side for unloading or loading.

BY MR. SINCLAIR:

Q There is a platform inside the building?

A Inside the building alongside the track.

Q But not on the right side.

THE CHAIRMAN: When you say "left side" that is the east side?

MR. SINCLAIR: That is right.

THE WITNESS: We can say west and east.

HON. MR. MARTINEAU: The platform is on the east side.

BY MR. SINCLAIR:

Q There is a platform outside the building on the east side and there is a platform inside the building on that same side right along and, imagining that the wall is out of the building,

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we would have that platform outside and so we just extend it right through? Is that right?

A Yes sir.

Q You have said that on the right side that there is nothing but the building?

A Oh yes, there is no clearance at all.

Q And when your men went down there and the point of the movement stopped outside the building you said that they were transferring over to the left side and giving signals to the firemen. As I understand your evidence, and correct me if I am wrong, you said that **you** showed them how to position themselves so that they could give signals directly to the engineman without using the fireman as a signal passer by one of them getting on the deck of the engine. Which one would that be?

A The engine follower.

Q He would get up on the deck.

BY THE CHAIRMAN:

Q What do you mean by the "deck"?

A That is when you are coming out of the vestibule.

MR. SINCLAIR: The area on the steps or on the floor, or on the deck.

HON. MR. MARTINEAU: And where would the other one be?

MR. SINCLAIR: He said that one would be at the block, that is, at the end of the siding, right inside the building, and the other one would be on this

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platform just outside the building and the signals would come from the foreman.

THE WITNESS: From the foreman at the block.

BY MR. SINCLAIR:

Q From the foreman at the block?

A And the other one, the other yardman, is right in line with the engine so he can relay the signal to the engine follower.

Q And the end of the block is right inside the building.

THE CHAIRMAN: The north end of the track.

MR. SINCLAIR: That is a block and he says the foreman goes there and he controls the movement from that point so it will not over-run it.

HON . MR. MARTINEAU: There is one who stands outside.

MR. SINCLAIR: He said he stood near the engine.

THE WITNESS: On the platform.

BY MR. SINCLAIR:

Q Oh, on the platform, I see. The engine pushes right back in?

A And then he follows the movement. He walks on the platform and he follows the movement.

Q He follows the movement as it goes back?

A Yes.

Q And he relays the signals?

A To the engine follower.

Q To the engine follower who is riding --

A.Lefrancois

A On the deck or step of the engine, the first step of the engine.

Q He keeps his mates in view?

A Oh yes, he stays there. He follows the movement.

BY HON. MR. MARTINEAU:

Q But on the opposite side to the engineer?

A On the left side.

Q But in view of the engineer?

A Oh yes. He goes, he is cab first and cab first it is wide open. It is all glass on the rear and the engine follower is right there and the other man is right on the platform opposite to him, right in line with him.

Q On the outside platform always on the same side and he gets his signal from the foreman who is in the building and he relays it to the engine follower who is on the platform who can give it to the engineer?

A To the engineman directly.

BY MR. SINCLAIR:

Q As I understand what he is saying, the foreman follows the movement back into the building, to the block, giving signals to the fieldman who would follow back with the movement and the engine follower would be on the deck or on the side steps taking signals from his mates and as soon as the engineman lost sight of any mate that was on the ground he would then turn

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his eyes to the engine follower.

THE CHAIRMAN: Which is the exhibit that shows this type of engine?

MR. LEWIS: 35.

THE WITNESS: That is a 6500 class of engine.

MR. SINCLAIR: 35A is a rear view of a 7000 class.

THE CHAIRMAN: I do not care whether it is 7000 or 1500. Which is this engine?

THE WITNESS: 6500.

MR. SINCLAIR: This is a 6500 class and we have not filed a picture of that.

HON. MR. MARTINEAU: 35A.

MR. SINCLAIR: 35A is the back view of a 1000 horsepower and 35 is the front view of it.

THE CHAIRMAN: Which one do you want me to look at?

MR. SINCLAIR: Rather than burden the record with all types of engines I was --

THE CHAIRMAN: No, which one do you want me to look at now?

MR. SINCLAIR: 35A.

THE CHAIRMAN: I have got 35A. Is there a deck in front of the cab of this engine?

HON. MR. McLAURIN: The deck is the floor of the cab.

THE WITNESS: Outside of the cab.

MR. SINCLAIR: Outside of the cab.

BY THE CHAIRMAN:

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Q May I ask the witness a question or two because I am afraid I am very stupid about this and I should like to understand it.

I have not followed it. Take the practice before you made any change. This locomotive, the cab of which looked like that?

A Exactly.

Q Is pushing five cars?

A Five cars.

Q And in that event the engineer is on which side?

A On the side of the curve, on the right side.

C
bbard

Mr. Lefrancois

Q That is the west side?

A Yes.

Q Where are the yard crew when it is coming down from A?

A From the main line, backing up from Place Viger.

BY MR. SINCLAIR:

Q Where are the yard crew?

A The engine follower is on the first car next to the engine, and the other one is on the third car next to the engine.

BY THE CHAIRMAN:

Q Yes?

A And the yard foreman is right at the entrance to the building.

Q And he is on the west side of that engine?

A Yes.

Q He stood at the west side?

A Yes.

Q Then what happened as they approached the building?

A As they approached the building they shift the car right inside the building --

Q No, no. With reference to the old practice, what change took place in the placing of the yard crew?

A Because they were --

Q Not because. What actually did they do in the way of changing their positions as they approached the building?

A I don't get you right.

Q You were describing the practice which they

Mr. Lefrancois

followed before you made this change?

A Yes.

Q And you have told me that when they move down from Place Viger they were in a certain position?

A Yes.

Q I understand from what you said --

A When they moved down from Place Viger --

Q Mr. Lefrancois , don't try to talk at the same time I am. Wait until I put the questions to you before you start to answer them.

A Yes sir.

Q Now, I understand from what you said before they changed that?

A Yes.

Q What was that change?

A They made the change from one side to the other.

Q Who moved?

A Two yardmen, the engine follower and the other yardman.

Q And where did they go?

A They go on the east side, the left side.

Q In approximately the same positions as they were before?

A The same position as before.

Q One on the car next to the engine and --

A And one on the third car from the head. It was the same position. They just changed sides.

Q You are still talking when I am, and this is going to be a difficult thing to read. Please wait until I put the questions.

A Yes sir.

Q The engine follower who was on the west side on the car next to the engine, did he get on the other side of that same car?

A Yes sir.

Q And did the yardman similarly move on to the other side of the car he was on?

A Yes sir.

Q So that would put them both on the east side?

A Yes sir.

Q Then the foreman --

A He went on the platform on the left side also.

Q That is the outside platform?

A The outside platform.

Q That is on the east side?

A Yes.

Q And then they exchanged signals from there?

A Yes.

Q Well, then, did the yard foreman move away from that platform?

A No, he kept on going to the end of the platform, the siding.

Q Well, then, he got inside the building?

A Yes.

Q By the way, this platform is shown outside the building?

A She runs --

Q Just a minute. Is that a projection of the platform inside?

A Yes sir.

C-4

Mr. Lefrancois.

Q It is one continuous platform?

A Yes sir.

Q So that as the cars approached, he walked back until he finally got to the end of the track inside the building?

A Yes sir.

Q All right. That is the way it was done?

A Yes sir.

Q Now, will you describe to me the change you made, just in the same way, as they came down from Place Viger? The engine follower was on the west side of the car?

A Yes sir.

Q And the yardman was on the west side?

A Yes sir.

Q And the yard foreman was on the west side?

A Yes sir.

Q And then what happened?

A Instead of changing we have them push right on to the siding, remaining on the west side.

Q Well, then, let me ask you: The yard foreman who is on the platform, the yard foreman who was originally on the east side of the entrance of the building, does he move over on to the platform?

A No, he didn't go on the platform. He remained on the same spot as at the beginning.

Q Outside the building?

A Yes.

Q That is on the west side?

Mr. Lefrancois

A Yes.

Q Does he stay there throughout?

A He stays there until the cars are near the building.

Q And then what happens?

A Then after that they change over to the left side.

Q That is, you are speaking of the yard foreman?

A Yes.

Q He moves over to the platform inside the building?

A Inside, yes.

Q Well, then, where is the yardman who is on the last car on the west side?

A He does the same. He moves on the platform as well.

Q He gets on the platform as well?

A Yes.

Q Where is the engine follower?

A He took a position right on the deck of the engine.

Q On the deck of the engine?

A Yes.

Q Where would he be on the deck of the engine, which side?

A More on the left side than on the right; pretty near in the middle.

Q More on the east side than on the west side?

A Yes.

Q So that he was in a position where he could see the yardman on the platform inside and relay the

C-6

Mr. Lefrancois

signal to the engineer?

A Exactly.

Q I follow you now. I am sorry to appear so stupid about it.

MR. SINCLAIR: It is extremely difficult to make these switching moves with words or even with plans. I may say to the Commission that I asked to have plans made of the worst switching moves that could be found in the Montreal terminal.

HON. MR. McLAURIN: All this adds up to is that instead of the signal by the yardman and the field man being made to a fireman, it is made to an engine follower who has his position on the deck so that he can transmit the signal to the engineer, is that right?

MR. SINCLAIR: That is right, sir.

THE CHAIRMAN: You know this and the witness knows this, but I find it impossible to get a thing like this unless you take it step by step.

MR. SINCLAIR: I must apologize.

C-2 I know it is my fault.

THE CHAIRMAN: It is all right.

MR. SINCLAIR: I have always found it extremely difficult to describe these switching moves even with plans.

THE CHAIRMAN: We have all been where you are, Mr. Sinclair, and I am just telling you our difficulty.

MR. SINCLAIR: I appreciate that.

C-7

Mr. Lefrancois

BY MR. SINCLAIR:

Q Mr. Lefrancois, when I put these questions to you and take you through these plans, do not try to short-cut me by saying that I am taking too long. Just let me take you step by step.

BY HON. MR. McLAURIN:

Q Let me ask another question to clear up some terminology and jargon. I have been sitting here for the last two weeks thinking that the deck was the floor of the cab and the fireman being on the deck doing this and that. This deck business is outside.

MR. SINCLAIR: The deck on the yard diesel -- there is a platform that is the extension of the deck inside the cab which runs outside the cab where the yardman can move from side to side or ride.

HON. MR. McLAURIN: What do you call the inside of the cab, just the floor of the cab?

MR. SINCLAIR: No, it is called the deck too, just to make it confusing.

HON. MR. McLAURIN: Then there is an inside deck and an outside deck?

MR. SINCLAIR: Yes.

HON. MR. McLAURIN: There used to be a play in New York called "Hit the Deck".

MR. SINCLAIR: I think that is just about it, sir.

THE CHAIRMAN: We are on deck now, Mr. Sinclair.

C-8

Mr. Lefrancois:

BY MR. SINCLAIR:

Q Based on your experience, Mr. Lefrancois, and your knowledge of the various industrial stops, switching stops, that have to be made in the Montreal terminals, how would you describe the degree of difficulty of the move in Exhibit 57?

A There is no difficulty at all to place those cars the way we were to release them from the engineer's side. There is no difficulty.

Q Are there other places where the move is as difficult as this?

A Not in the Montreal terminal; I don't see anything more than that.

Q Is this the most difficult one you know?

A Yes, that is one of the most.

Q I may have asked you this before and if I didn't I should. Do you know of any location in the Montreal terminals where because of clearances, restricted side clearances and overhead clearances or curvature or any other type of layout where it is necessary for the fireman to be used as a signal passer on a diesel?

A I don't know any places.

Q None at all?

A None, as long as the men are at the right place.

Q As long as the men are at the right place?

A Yes.

Q What men?

A The ground crew.

Mr. Lefrancois

Q I have a few more of these and I will try to go through them. I would like to take, first of all, if I may, the one at St. Henri. This is Exhibit 58. This is a St. Henri yard plan showing a portion of the yard, Quebec District, Montreal terminals, and signed by the divisional engineer.

THE CHAIRMAN: This one is set up properly. The top is the north?

MR. SINCLAIR: Yes, the top is the north.

BY MR. SINCLAIR:

Q If I may orientate the placings of this for the Commission, Mr. Lefrancois, this is a yard that is across from the Montreal Tobacco Factory on St. Antoine Street, Montreal?

A Yes sir.

Q And this is a part of what you call the Glen yard?

A Yes, a part of the Glen yard.

Q This is the St. Henri yard portion of a general yard called "The Glen"?

A Yes.

Q Now, take this as an example, Mr. Lefrancois. I am going to ask you which way is the engine headed on this move?

A The engine to the north when they are at St. Henri.

Q The engine to the north?

A Yes. When they are in the siding the engine

Mr. Lefrancois

is headed north.

BY THE CHAIRMAN:

Q The move is going to be from where to where?

MR. SINCLAIR: The move is going to be from the Glen to place cars in the St. Henri yard.

THE CHAIRMAN: I know, but on this plan there are some letters.

MR. SINCLAIR: Yes. I am going to pick them up and take them step by step.

THE CHAIRMAN: Where is the move coming from, as far as this plan is concerned?

MR. SINCLAIR: It will be coming from the left of the plan, going to the right, and we will pick up at point A.

BY MR. SINCLAIR:

Q Now, the engine was pulling or pushing the cars?

A Pulling. The engine was first.

BY HON. MR. McLAURIN:

Q What part of the engine was first, the front of the engine?

A The front of the engine.

BY MR. SINCLAIR:

Q The engine on the point of the movement with the engine leading the movement, and the cab up against the cars; correct?

A Yes.

BY HON. MR. MARTINEAU:

Q And the engine being in its normal position?

MR. SINCLAIR: Yes, with the engine in front and the cab after. The engine of the

Mr. Lefrancois'

locomotive is on the front of the move, and the cab is against the cars that the engine is pulling.

BY MR. SINCLAIR:

- Q We are at point A. How many cars have we got hold of?
- A Ten cars.
- Q Stop at point A and say where the ground crew are? Where are they? Position them.
- A The ground crew is right at A on the north side of the engine -- the engine follower.
- Q The engine follower is at point A?
- A Yes. The yard foreman is at B on the north side.
- Q The yard foreman is at point B?
- A Yes.
- Q Yes?
- A And the field man is between C and B. It depends on how many cars he has to pull.
- Q The yard foreman has to move between B and C, depending on how many cars he has got to pull?
- A Yes.
- Q What move are you going to make? Are you going to lift cars that are in ^{the} St. Henri yard and pull them out?
- A Yes, we are going to move cars from that track and pull them out.

BY HON. MR. MARTINEAU:

- Q You said they were pulling cars, the engine first, and the engine is facing east.

C-12

Mr. Lefrancois

MR. SINCLAIR: I realize that.

The witness said he was going to pull the cars. I wonder if I could ask the reporter to strike out what has been said so far about this move and I will start the move again.

THE CHAIRMAN: I think you had better just start again. We might strike out too much.

Mr. Lefrancois

Is this engine coming in as a light engine to pick up cars, or is it bringing in cars.

BY MR. SINCLAIR:

What kind of movement do you want to describe, a light engine?

A Coming to pull, where track B is.

Q We have a light engine coming to lift ten cars out of St. Henry yard, is that right

A Yes.

Q And it is coming in with the engine pointed towards the east, is that right?

HON. MR. McLAURIN: Generally in an eastward direction?

THE WITNESS: Pointed to the west.

BY MR. SINCLAIR:

Q It is backing in, cab first, is it?

A It is cab first, backing in; the engine is cab first backing in on track 6 to pull cars.

THE CHAIRMAN: Go ahead, Mr. Sinclair, let us have something.

MR. SINCLAIR: I am sorry, sir. If there is any better way of doing it I would like to have it. I am tryin; my best with this witness to present these points to you. My friend says now he can understand why the men were on the north side. He had them before with the men on the fireman's side, coming in, and I did not want to have anybody suggest that I had stopped him from making an explanation.

THE CHAIRMAN: There is no criticism at all.

Mr. Lefrancois

MR. LEWIS: No.

THE CHAIRMAN: It is only a question of which movement the witness is describing. I am saying I don't yet understand which one he is on.

MR. SINCLAIR: Very well, Mr. Chairman.

THE CHAIRMAN: The last he said was the engine was coming in from the west, cab first.

MR. SINCLAIR: That is correct.

THE CHAIRMAN: Then, let us stick to that and have him describe that movement.

BY THE CHAIRMAN:

Q The engine has no cars attached to it; it is coming in for the purpose of picking up cars? That is what you understand?

A Exactly.

Q Then you describe the engine follower as being at "A". Was he on the engine or off the engine?

A He is off the engine.

Q He is off the engine, on the ground?

A Yes.

Q And the yard foreman is up at "B"?

A Up at "B", to relay signals to the engine following.

Q And the field man is further up to the east again?

A Toward "C".

BY MR. SINCLAIR:

Q Now Mr. Lefrancois, make the movement.

A When the yard foreman receives a signal to proceed from the yardman, who is located around "C", he relays the signal to the engine follower, and the

Mr. Lefrancois

engine follower walks ahead, and if he has everything clear ahead of him he gives a push motion to the engineman, and they proceed; and stop as soon as they clear that switch on track no. 6; then the engine follower remains in that position.

BY THE CHAIRMAN:

Q In what position?

A We will say a few feet from the movement -- to try and keep in touch with the yardman and the field man who are doing some switching after they are out of that siding.

Q Let me ask you this: after the engine follower gives the signal to the engineman to proceed, does he and the yard foreman keep their respective positions ahead of the engine as they are going east?

A Yes, exactly.

Q Now what happens?

A Then they shove those cars which are on the other track.

BY MR. SINCLAIR:

Q What do they do?

A They push those cars on another track.

BY THE CHAIRMAN:

Q What cars?

A The cars on the other track. They have ten cars.

BY MR. SINCLAIR:

Q The chairman asked, what cars - the ones they

Mr. Lefrancois

picked up?

A The ones they picked up.

BY THE CHAIRMAN:

Q I was a little behind; I did not know that you had picked up some cars. You had picked up some cars off track No. 6?

A Yes, off track 6.

Q Then what happened?

A After they picked cars off that track 6 the yard foreman stopped the movement after they were over the switch.

Q Where is the movement?

A The movement is proceeding ahead towards "A". They left "A" and they came out right at "A", with the tail end of their batch of ten cars.

Q And the yardmen are on the ground?

A The ground.

Q Following the train, as you explained.

A Following the movement?

Q And after they come out of that siding they have a couple of shuntings, a couple of switchings to do. So the field man with the yard foreman remains on the tail end of the movement and the engine follower remains near the engine to relay the signals to the engineer.

BY MR. SINCLAIR:

Q This is an example of an industrial switching where the curve is on the fireman's side, the way the engine is headed, is that right?

Mr. Lefrancois

A That is right.

MR. SINCLAIR: Mr. Chairman, this is one of the exceptions that the witness referred to. He said earlier in his evidence that they tried to head their engine so that the curves were on the engineman's side, but in some industrial positions they couldn't do that, but that does not stop them from giving a signal direct to the engineman. This is an example from that type of movement.

BY MR. SINCLAIR:

Q Is that correct, Mr. Lefrancois'?

A Yes.

Q And is that why you picked it out?

A Yes.

MR. SINCLAIR: Mr. Chairman, now I wish to introduce another plan which is at Mile End, which will be filed, I take it, as Exhibit 59, which shows the St. Louis lead freight shed tracks, and Iron and Metals Incorporated sidings.

EXHIBIT NO. 59 -- Plans showing St.
Louis lead freight
shed tracks and Iron
and Metal Incorporated
Sidings.

BY MR. SINCLAIR:

Q Have you got a copy of that plan, Mr. Lefrancois?

A Yes.

MR. SINCLAIR: Mr. Chairman, this is an example of a long sweeping curve.

Mr. Lefrancois

BY MR. SINCLAIR:

Q Mr. Lafrancois , which way are your diesel engines headed in this area?

HON. MR. McLAURIN: Mr. Sinclair, do you mind my making a suggestion? Are you sure this witness knows the directions on this plan? Does he know where north is on the plan, because if he does not you are going to be confused from the very start.

THE WITNESS: I know.

HON. Mr. McLAURIN: On the normal plan north is top, east is to the right and west to the left.

HON. MR. MARTINEAU: Henri Julien Street runs from south to north?

THE WITNESS: The arrow is not straight to Henri Julien Street. In Montreal we know that Henri Julien is not really straight north.

MR. SINCLAIR: Yes, in Montreal we know north is not north. When the engineer is preparing the plan they put north where north should be, and that makes it very difficult for people who are not familiar with it to follow.

THE CHAIRMAN: Suppose for this particular plan we call the top north, as you look at the plan that way, and the bottom south.

MR. SINCLAIR: I will mark the top of the plan north, the right east, the left west and the bottom south.

THE CHAIRMAN: Casgrain Avenue is to the west and Henri Julien is to the east?

Mr. Lefrancois

MR. SINCLAIR: Casgrain Avenue is to the left, the west.

THE WITNESS: Yes, and Henri Julien is to the east.

BY MR. SINCLAIR:

Q Now, Mr. Lefrancois , what way is your diesel engine headed when making this move?

A Headed west.

Q At the commencement point "A" the engine is headed west?

A Yes.

HON. MR. McLAURIN: North. Is it?

MR. LEWIS: Northwest.

BY MR. SINCLAIR:

Q The cab would be toward "B"?

A Exactly, towards "B".

MR. SINCLAIR: Mr. Chairman, these plans are all the exception to the normal move.

THE CHAIRMAN: Very well; we just want to understand them.

MR. SINCLAIR: The cab is toward "B".

THE CHAIRMAN: The engine is really backing in, as we speak of movements?

MR. SINCLAIR: Yes.

HON. MR. MARTINEAU: Are any cars attached to the engine?

BY MR. SINCLAIR:

Q Will you explain the move -- how many cars have you hold of?

A Ten cars.

Mr. Lefrancois

Q Why have you so few? Is that the normal cut for there?

A That is a heavy cut.

Q You are taking a heavy cut to make an example.

HON. MR. MARTINEAU: Where are those cars?

BY MR. SINCLAIR:

Q Where are those cars? How are they attached to the engine?

A They are coupled up to the cab end of the engine - behind the engine.

Q They are behind the engine?

A Yes.

Q And is the engine pushing them?

A Yes, the engine to make that move is pushing them from "A" to "G"; the move started at "A"; the yard foreman was located at "B"; the fireman was on the lead car at "A", on top; the engine follower was on the ground about three cars from the engine.

Q On what side?

A On the engineman's side.

Q Which would be which side?

A Which would be on the north side.

Q The northeast side.

A So the movement starts: the yard foreman gives a pick-up signal to the field man who is on top of the car, and he relays it to the engine follower, and the movement starts to pick up

Mr. Lefrancois

slowly; the engine follower follows the movement on the ground a little distance away from the cars, so that we will have the lead man on top of the car within his view all the time. When the movement approaches "B" the yardman takes the position at "C", and the movement keeps on going. The yard foreman is in the position at "C", a little distance from the car, to see the leading man on top, and relay the signal to the engine follower who is about three cars from the engine. So we shoot those cars over there without any trouble.

Q Is that the normal way the move is performed?

A Yes, that is the normal way.

Q Is that the established way?

A Yes, that is exactly what they do.

Q Are the signals at all times being relayed directly to the engine man?

A They are direct to the engine man.

Q And even though this is a sweeping curve to the left, the established practice you say is to --

A To relay them always on the engineer's side.

MR. LEWIS: May I ask my learned friend whether the fact that on my plan letters C, D, E, and F are on the opposite side to letter B, has any significance?

MR. SINCLAIR: None at all. I asked that question previously, Mr. Lewis, and I was told they had no significance.

Mr. Lefrancois

MR. LEWIS: Did you ask it here?

MR. SINCLAIR: No; I asked the witness previously. I will ask him now if you wish me to.

MR. LEWIS: No, I take your word for it.

BY MR. SINCLAIR:

Q The letters C D E and F are placed on the west side, while you said the men positioned themselves on the east side?

A You mean B C D E and F?

Q They are on the west side of the track - C D E and F; and as you explained the move, they were on the east side.

A The east side. These letters are all letters put down there to show that we were positioned --

THE CHAIRMAN: These letters just serve as identification marks?

MR. LEWIS: I was just looking for information, and wondering whether there was any significance to them. My friend says there is not.

BY THE CHAIRMAN:

Q All these tracks that are in Mile End and T-yard are all dead-end tracks?

A Yes, they are all dead-end.

Q So, if the cars are going in, you push them in, and you pull the cars that are coming out?

A Yes; they are all dead-end tracks.

Q Generally speaking, that is the situation?

A Yes.

Mr. Lefrancois

MR. SINCLAIR: The example, sir, as you will see is given on the most westerly of the tracks where the curve is the sharpest; the other track straightened out to a great extent.

BY MR. SINCLAIR:

Q Is that correct, Mr. Lefrancois ?

A Yes.

Q Is that why you picked this move for that track?

A Yes, because it is a sharp curve and it is a long curve.

MR. SINCLAIR: Mr. Chairman, I am pleased to say that I have only one more plan to offer. This I take it will be Exhibit 60, being the Lasalle plan which is the trackage to Building Products.

EXHIBIT NO. 60 -- Plan - Lasalle
Trackage to Building
Products

MR. SINCLAIR: Here we are all right, I think; north is north, and south is south; except that it is on a slight angle.

THE CHAIRMAN: I understand there are going to be two movements here?

MR. SINCLAIR: Two movements are to be illustrated, yes.

BY MR. SINCLAIR:

Q Mr. Lefrancois , have you got a copy of the Lasalle Building Products spurs?

A Yes.

Mr. Lefrancois.

Q What direction are your diesel engines headed in this area?

A They are headed, cab to the west.

THE CHAIRMAN: Are you speaking now of both movements?

MR. SINCLAIR: Yes, I am going to deal first with movement A B C D and E, and then the movement M L N to J.

THE CHAIRMAN: In both instances the cab is headed west?

MR. SINCLAIR: The cab is headed west.

BY MR. SINCLAIR:

Q Which way is the engine pointed, Mr. Lefrancois?

A To the east.

Q The engine is pointed east and the cab pointed west. What is the normal cut of cars that you pull in here, Mr. Lefrancoise?

A I would say four or five cars, perhaps six, when you are coming out of the siding.

Q Starting at A the cab is to the west?

A To the west.

Q Are we going to place cars in here?

A We are going to place cars in the siding.

Q Is the engine pulling or pushing cars?

A Pushing cars.

Q And it is up to six cars?

A Say six cars.

Q And **there are six** cars ahead of the engine?

A Ahead of the engine.

Q Next to the boxcar - the boxcar closest to the

Mr. Lefrancois

engine is the engine part of the locomotive?

A Exactly.

Q And the cab is at the far end of the entire locomotive?

A Exactly.

Q Starting at A, at that time where is the foreman?

A The foreman is right at the crossing of St. Patrick Street.

Q That is between C and D on the plan?

A Yes.

Q Where is the field man?

A The field man is at B.

Q The engine follower is where?

A Near the engine.

Q Where, on the cars or on the ground?

A Not on the cars; they do not go on top of the cars. He is on the ground.

Q Now what happens?

A Now they receive a signal from the yard foreman, who is standing at St. Patrick Street crossing, to proceed.

Q Have they stopped there?

A Yes. At St. Patrick Street in that area all movements have got to stop.

Q Does the foreman get down there and give a stop signal first?

A Yes.

Q When he gives the stop signal he is at the crossing, the field man is at B and the engine follower is back near the engine at A on

Mr. Lefrancois

the ground?

A Yes sir.

HON. MR. MARTINEAU: I take it from the evidence that these men are placed so that the engine man can see them; that is, they are south of the track.

MR. SINCLAIR: The engine is facing east and the cab west.

HON. MR. MARTINEAU: Yes. So the engine man is on the south?

MR. SINCLAIR: Yes.

THE WITNESS: The engineman is on the north.

MR. SINCLAIR: You are quite right, sir, the engineman is on the south.

THE WITNESS: Yes.

BY HON. MR. MARTINEAU:

Q Now that he is there, where are the three men? You have placed them in different places. ON which side of the track are they?

A They are on the south side.

MR. SINCLAIR: Yes. A B C D and E are only positions; it does not necessarily mean that the men are ^{on} that side of the track.

THE WITNESS: They would be on the south side of the movement, the engineman's side, which is the right side.

BY MR. SINCLAIR:

Q Why did you place the letters A B C D and E on the other side?

Mr. Lefrancois

A It is only a matter of putting the letters there to show the direction we were going to follow. Maybe we should have put them on the other side, but we did not do it.

Q I think, Mr. Lefrancois, the reason you did not as you explained the plan to me before - if I may say so - you were putting the marks on the south side of the movement with your pencil as you went along. That is perhaps what caused the trouble. Very well. What happened?

A The yard foreman is located at St. Patrick Street; he stops the movement when they approach St. Patrick because we have instructions in our timetable to stop all movements in that area. The field man is at B and the engine follower is near the engine on the ground - they are all on the ground.

Q On the south side?

A On the south side of the movement, which means on the engineman's side. So, the yard foreman gives the motion to proceed, and they proceed into the siding, following the movement on the ground.

Q They walk ahead?

A Yes, they walk ahead most of the time. Then when they reach the point "D" the foreman keeps on walking towards "E", and the field man takes a position right at the curve, which is the left-hand curve, to see the foreman who is going to position E and relay the signal to the engine follower who is near the engine.



Mr. Lefrancois:

- Q This is an example of a reverse curve, is it?
- A A reverse curve. You have a right curve going in at the entrance and a left curve at the end.
- Q Have you made observation of switching moves here?
- A Yes I did.
- Q How were the signals given?
- A Always to the engineman's side, because we are working at that side with more advantage.
- Q Even though it is a reverse curve?
- A It is a reverse curve.
- Q Have you ever seen anybody give a signal to the fireman?
- A Not in that location.
- Q Have you seen it anywhere else?
- A No; but we are talking about that siding, and I am telling you now that I never saw it. Maybe they give some, but to my knowledge, I never saw it.
- Q Are you talking about this point, or in general?
- A In general.
- Q Now looking at the other move described on Exhibit 60 - that is the move to the Building Products spur marked on the plan in red, and the move from J K L M N, what are you doing here?
- A We are going to place two cars at J.
- Q Is that the normal movement that is placed in there?
- A Yes, two cars.
- Q Is it a short siding?

Mr. Lefrancois

A Yes, it is a short siding.

Q How many cars have you got coupled up? Have you got the cars coupled up together, the two cars in one place?

A I got two cars on the end of my engine, on the west end - no, I am wrong. The cab of the engine is coupled up to two cars.

BY THE CHAIRMAN:

Q You are pushing them?

A Pulling them. We have to pull them because we are at A and B and we want to move from A and B and go to M.

Q So the engine is pointed west?

A It is pointed east.

BY MR. SINCLAIR:

Q The engine is pointed east, the cab to the west, and you have two cars behind the engine?

A Yes.

Q You are pulling two cars along the lead?

A Yes.

Q From B to N?

A To N.

Q You go up to N, and after you clear the switch and you are going to push the cars -

A I am stopping at M.

Q Why are you stopping at M?

A Because there is a push button there right at that crossing - that is Lafleur Street crossing.

Q Who pushes that button?

A We push the button, the bell starts ringing, and

Mr. Lefrancois.

the light is on - that is the crossing protection.

BY THE CHAIRMAN:

Q The locomotive you are speaking about in this movement is on the track in the same position as the locomotive was in the previous movement you described from A to E?

A Yes.

Q The engineer is on the south side?

A On the south side.

Q Is there any reason why the engine is always facing that way for the purposes of carrying out this move?

A Yes. All the engines which are working in that area are always working with the cab facing to the west in order to exchange signals between the engineer and the ground crews. We have an example here of a curve to the right at E, and now we are going to back into the siding at M and L and we still have the curve to the right.

MR. SINCLAIR: The reason this was picked, Mr. Chairman, is that it is a demonstration of a reverse curve on the first move, and what would look to be a difficult move from J to N. As I say, these were all picked out as exceptions from the usual switching moves, which present no problem as the witness has said.

BY MR. SINCLAIR:

Q This does not present any problem, does it Mr. Lefrancois ?

A Yes, that is --

Q Does it present a problem?

Mr. Lefrancois

A Exactly ...

Q Does this signalling to the engineman present a problem?

A No, there is no problem at all.

HON. MR. McLAURIN: You are going to get it in and then start backing up?

BY MR. SINCLAIR:

Q Would you please explain what you do. You came up to the stop at M, where you started an automatic signal?

A Yes.

Q Who starts that signal?

A The engine follower.

Q Where is the foreman and where is the field man?

A The foreman on the cars waits for the engine follower to push the button, and the engine follower goes over to the crossing, and as soon as the bell starts to ring he gives a motion to proceed to the engineman. As soon as he is over the switch - -

Q Which switch?

A A little west of the Lafleur crossing. As soon as he is over the switch the yard foreman and the field man, either one of them, turn the switch and then give a motion to back up.

Q To whom?

A To the engineman on the right. The engine follower can stay on the engine, and he backs up, proceeds to L K and J.

Mr. Lefrancois

Q And all the time signals are being given where?

A On the right side.

Q Direct to the engineman?

A Direct to the engineman.

MR. SINCLAIR: Mr. Chairman, and members of the Commission, that completes the examples of the most difficult moves that Mr. Lefrancois could find in the terminal.

THE CHAIRMAN: Perhaps this would be a good time to adjourn.

MR. SINCLAIR: Thank you.

--- The Commission adjourned at 3.45 p.m.
to resume Monday, March 18, at 10.30.

- - -

Amended

ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY

11

PROCEEDINGS

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March 20

I N D E X

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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Monday, March
18, 1957

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.C.	Representing the
C.J.A. Hughes, Q.C.	Commission
I.D. Sinclair,	Representing the
John Pearson,	Canadian Pacific
	Railway Company
David Lewis, Q.C.	Representing the
	Brotherhood of
	Locomotive Firemen
	and Enginemen

Monday,
March 18, 1957.

11TH DAY

MORNING SESSION

--- The Commission opened at 10.30 a.m.

ADRIEN LEFRANCOIS, Recalled

EXAMINED BY MR. SINCLAIR:

- Q Mr. Lefrancois, aside from the St. Luc yard, what is the car count per day in Montreal terminals?
- A Between 1,200 and 1,500.
- Q Between 1,200 and 1,500?
- A Yes, 1,200 and 1,500.
- Q Would that include transfer moves?
- A That would include transfer moves.
- Q That would include transfer moves?
- A Yes.
- Q On a transfer, Mr. Lefrancois, what is the crew?
- A A yard foreman, two yardmen, an engineer and fireman.
- Q Where do they ride on transfers?
- A The yard foreman and one yardman ride on the van and the other yardman rides on the engine, on the fireman's side, and the engineer on the right-hand side.
- Q Now, aside from the St. Luc yard, are diesels radio-equipped in Montreal terminals?
- A No, only in St. Luc yard.
- Q In other words, in the yards that you have been speaking about to the Commission, these industrial yards, what kind of signals do they use for the moves?
- A Hand signals.

Q Mr. Lefrancois, if a hand signal disappears from view in the Montreal terminals, what happens?

A The movement has got to come to a stop; they have got to stop.

BY THE CHAIRMAN:

Q Is that a rule or practice?

A The rule says so.

Q Is it in the red book?

A That is the rule, in the rule book.

BY MR. SINCLAIR:

Q That is, Exhibit 27?

A That the movement must stop.

Q When a diesel engine is pushing cars who is responsible to ensure that the movement can be made safely?

A It is the ground crew as long as they are giving signals on the right-hand side and relaying signals to the engineer on the right side; it is the ground crew.

Q When an engine is pushing cars who is responsible for ensuring the safety of the movement?

A The ~~engine follower~~ ^{field man} on the engine and the ~~engineer~~ ^{field man}.

Q Now, when backing cuts of passenger cars from the Glen to Windsor station, how is the move made?

A The air is coupled up to all cars and a back-up hose is coupled up to the rear of the last

car. The engine is coupled on and it puts the air through.

BY THE CHAIRMAN:

Q What is coupled to the last car?

A The engine is coupled to the train, the air is put right through the train, and on the rear of the last car a back-up hose to control the movement from the rear, which is handled by the yard foreman or the field man on the rear.

BY MR. SINCLAIR:

Q A back-up hose, what is that?

A It is a hose with a valve at the end of the hose which is connected up to the air hose of the train line on the train.

Q You say that that hose is used by the yard foreman or the field man?

A The yard foreman or the field man qualified.

Q Who controls the movement?

A The yard foreman.

Q How does he control it?

A By applying the brakes from the rear by the use of that hose or that air valve.

BY HON. MR. MARTINEAU:

Q Is that when the train is going forward?

A No, when we are pushing cars.

BY MR. SINCLAIR:

Q In pushing cars into Windsor Station, are they all pushed in there, or are some pulled in?

A Drafts are always pushed in except like a

train which would be pulling in, but the drafts are always pushed in. The drafts are always pushed in except a regular train which is pulled in.

Q You mean a passenger train coming in pulls its cars in, is that right?

A That is right.

Q But when you are taking a draft or cut of passenger cars to Windsor Station for a train to come out with, they are always pushed in there by the yard engine?

A Exactly, that is right.

Q Is that correct?

A That is correct.

Q On these moves of pushing cars into Windsor Station, there is back-up hose on the movement?

A That is correct.

BY HON. MR. MARTINEAU:

Q What is the purpose of that back-up hose?

What does it do? Does it apply the brakes?

A The minute they open up the valve it applies the brakes. They can put on 10 pounds or more, depends how fast they want to stop. They put on a little heavier air out of that hose which is connected up to the air from the engine.

BY MR. SINCLAIR:

Q Before they apply or open the valve on this back-up hose do they give any signal to the engine?

A Yes, they give a hand signal when they are ready and the brakes are tested before they leave the

Glen. They give a hand signal to back up and they can also use the communicating air signal if they want to, but they always use the hand signal.

BY HON. MR. MARTINEAU:

Q Is there not a signal given to the engineer to cut off the power before the brakes are applied by the field man?

A The engineer when he feels the brakes are going on he just shuts off his engine. He has no control of the brakes; the control is right at the back.

Q So that when he feels the brakes are put on then he shuts off the engine?

A Yes, exactly.

BY MR. SINCLAIR:

Q What does the fireman do on that movement?

A The fireman, all that he can do is sit and look. That is all, there is nothing for him to do.

Q Based on your experience, Mr. Lefrancois, would you please tell the Commission whether there is any difficulty in giving signals from the ground to an engine at night?

A No, there is no difficulty because at night we are using a hand lantern and it is easier, I would say, to relay signals to an engineman at night.

Q Easier than what?

A Than in daylight.

Q Mr. Lefrancois, you carried out certain obser-

vations in the Montreal terminals?

A Yes.

Q Last month?

A Yes.

MR. SINCLAIR: I have here a group of observations prepared by Mr. Lefrancois, headed "Record of Observations of Actions of Firemen in Yard Diesels during Switching Operations". The pages are numbered 1 to 15.

EXHIBIT No. 61 -- Observations of Firemen.

BY MR. SINCLAIR:

Q Have you a copy of that?

A Yes sir.

Q Looking at Exhibit 61 and taking page 1 of that exhibit, will you please comment on it?

A That is the Hochelaga yard, Diesel Engine 7106, switching in Hochelaga yard. We call it A yard. A movement at Hochelaga yard. The engine is working headed south, we can say, to the movement. That is to say, the engine was facing the ground crew on the ground. We were switching a batch of cars being numbered 20 in A yard. Engine -- the ground crew was on the ground on the right side of the engineer. The engine follower was a few cars nearer the engine, I would say about three or four cars nearer the engine. It was a straight track after we were out of the siding and all signals were given on

the engineman's side.

Q Did you observe the movement on the siding?

A I was in the siding and coming out of the siding.
I was on the engine

Q To whom were the signals relayed?

A The foreman was on the rear, the field man was
in the middle and the engine follower was near
the engine.

Q How many cars?

A We had 20 cars.

Q Where were you, on the engine?

A I was on the engine, and on and off the engine.
It was from 2 p.m. until 3 p.m.

Q Page 2, Exhibit 61; will you comment on that?

A We were at Mile End yard, West Yard, Engine
6508. The engine was heading west, but the
switching was being done cars first. We did
some switching in Purity siding and Canada
Packers siding. Those two sidings are straight
track, just a little curvature to the left, in
Purity siding and to the left in Canada Packers
siding. We were handling at the time about five
cars. Three men were on the ground, the engine
follower was relaying on the step of the engine.
I didn't observe anything because the signals
were given always on the right side, on the
engineman's side.

Q I notice this was made from 8 a.m. to 9 a.m.?

A 9 a.m.

Q Page 3 on Exhibit 61 Would you comment on that?

A Mile End yard. St. Denis yard. Yard Engine 6507. The engine was headed west and pushing cars into two sidings, Charcoal Supply and Reading Coal and also placing cars in St. Denis yard. It is a curve to the left. The ground crew was on the right side relaying signals to the engineer. Once the fireman, while we were pushing cars in the St. Denis yard, he told the engineer there was room for about two cars, but again the crew were in position on the engineman's side.

Q What is your comment on the necessity of the fireman giving that observation?

A For me there was no necessity for the fireman to tell that to the engineer because the ground crew was right there on the right side.

Q And how many cars did you have hold of?

A We had three cars.

Q Any further comment on this?

A No, I don't see any comments.

Q Page 4 of Exhibit 61, what is your comment on that move, Mr. Lefrancois, please?

A Outremont yard, Engine 7030. We were switching in Canada Flooring siding. The engine was working headed west. We made a few switches -- the curve was to the left but the ground crew, the engine follower was near the engine and the two other men, one was in the middle of the batch, and one on the rear, the foreman.

Q On what side?

A On the engineman's side. It is a little light curve to the left. We switched that siding and we did not have any trouble at all because the ground crew was relaying signals to the engineman's side. The fireman was running the engine at the time but he was a passed man and the engineman was acting as a fireman.

Q The engineman acting as fireman, did he relay any information to the man in control of the engine?

A No, he did not. There was nothing at all. The

engineman didn't mention anything to the fireman who was running the engine.

Q Did the fireman mention anything or ask the engineman on the left-hand side for any information?

A No sir.

Q Neither the right nor the left said anything on these moves?

A Please?

Q Neither the right side nor the left side of the engine said anything to the man on the other side during these moves?

A I don't get you.

Q Well, the fireman was on the right side?

A He was running the engine.

Q And the engineman was on the left side?

A The left side.

Q And was there any conversation between them?

A No, there was no conversation of anything between the two men.

Q Page 5 of Exhibit 61, Mr. Lefrancois, what is your comment on this one, please?

A Glen yard, pushing a draft to Windsor Station from Glen yard, Engine 7086 headed east. We coupled on ten cars, ten baggage cars. The engine follower was near the engine at the time. The field man was on the rear with the yard foreman. After the coupling was all made the air was coupled on to that draft and the car inspector coupled the back-up hose to the

rear of the movement and after the brakes were tested the field man gave a back-up motion on the engineman's side to the engine follower and the move started to go to Windsor Station.

The move was controlled by the yard foreman on the back-up hose. On our return move, after we arrived at Windsor Station the engine follower pulled the pin and the engine went back to Glen yard. On the return movement the fireman on his side was exchanging block signals with the engineman.

Q What do you mean by "exchanging"?

A Well, if it is red, red, or green, green, yellow, yellow.

Q You mean calling them?

A Calling them.

Q Whey did he do that? Is it required by ~~anything?~~ *the rules?*

A That is in the rules. They are to exchange signals, but the engine follower and the two other members of the crew were riding the cab too on the engine.

Q They were right in the cab?

A In the cab on the left side.

THE CHAIRMAN: I do not quite understand. Someone was required to exchange these signals?

MR. SINCLAIR: He said required by the rules. That is Exhibit 27. This is main line territory.

MR. LEWIS: I think it is Rule 34.

MR. SINCLAIR: Page 37 of Exhibit 27,
Rule 34.

MR. LEWIS: The second sentence.

THE CHAIRMAN: It is the last sentence,
is it?

MR. SINCLAIR: That is right. That
sentence reads:

"All members of engine and
train crews must, when practicable, com-
municate to each other by its name the
indication of each signal affecting the
movement of their train or engine."

THE CHAIRMAN: What does the witness say
about someone else being on the engine other than the
fireman and the engineer?

BY MR. SINCLAIR:

Q Mr. Lefrancois, who else was on the engine on
that move you were talking about?

A The yard foreman and the two yardmen and the
engineer and the fireman.

Q It was a light engine?

A A light engine going back to the Glen.

THE CHAIRMAN: What is the suggestion?
Tell us the suggestion. What is the significance of
these people being on the engine in the light of this
rule? I just want to know what the point is. I am
not sure I followed it.

BY MR. SINCLAIR:

Q Was there outside of the rule --

A No, there was nothing outside of the rule.

Q Just a minute.

THE CHAIRMAN: Wait till the question is put.

BY MR. SINCLAIR:

Q Outside of the rule, was there any necessity for the fireman to call the block signal indications?

A There was no necessity because there were three more men on the engine.

THE CHAIRMAN: You say this is a main line rule.

MR. SINCLAIR: Yes sir.

THE CHAIRMAN: I suppose that here, so far as this engine is concerned, "train crew" means the engineer and the fireman, does it, or does a main line operation mean the engineer, fireman and whoever else is riding in the engine?

MR. SINCLAIR: That is what I would say, yes, sir. It says "all members of engine and train crews", and I think that the rule is a rule made for road operation, but on yard operations over main line tracks anybody on the engine is required to call the signal indications.

THE CHAIRMAN: You have already told us that on road operations there are three men riding in the cab of the engine.

MR. SINCLAIR: On freight trains, yes sir.

THE CHAIRMAN: Is this a freight train?

MR. SINCLAIR: No sir.

THE CHAIRMAN: It is a light engine.

MR. SINCLAIR: Yes.

THE CHAIRMAN: Does this rule apply to a light engine on a main line?

MR. SINCLAIR: I would say yes.

BY MR. SINCLAIR:

Q Exhibit 61, page 6, Mr. Lefrancois, what is your comment on this one?

A Glen yard, pushing a draft from Glen extension to Windsor Station, Engine 7034. The engine went to Glen extension and the movement was the engine headed west. We went to Track No. 4, at the west end of Track 4, pulling five coaches. After the air was coupled on to these cars we doubled on Track 3. By doing that we had a curve to the left but the engine follower was near the engine on the ground a certain distance to relay signals to the engineer and the other two men were on the ground too near the rear end.

THE CHAIRMAN: With respect to this doubling business you are now describing, the engine which had been pulling these cars left the cars and went around to the back to push them into the station?

THE WITNESS: They pushed them on another track.

THE CHAIRMAN: No, no. You know what I mean.

BY MR. SINCLAIR:

Q Mr. Lefrancois, you said they were doubling on 3

A They pulled 4 to double on 3.

Q Did they let go of the cars? They backed up on 4 before they backed up on 3?

A We coupled on 4, put the air on, pulled out of 4 and then while we were making that move the engine follower was near the engine and the field man was on the rear with the foreman.

Q And did you back into 3?

A We backed into 3.

3-2

Q Coupled up there?

A Coupled up there.

Q Did you pull the entire batch west?

A No, we coupled up on 3 and remained there and put the air through on No. 3.

Q Then what did you do?

A Then after the back-up hose was put on the rear we started from Track 3 to Windsor Station.

Q You continued right down Track 3 until you got out on the lead?

A We took the cross-over at the east end of Glen extension.

Q And backed right into Windsor Station?

A Right into Windsor Station.

Q During this doubling and coupling up where were the ground crew?

A The ground crew were on the right side of the engine and relaying signals to the engineer.

Q Who was in control of the movement?

A Control of the movement after we left there was through the yard foreman on the back-up hose.

Q Before you were coupled up and the back-up hose was attached, who was in control of the movement?

A It was the engineer. The engineer had control of the movement but by hand signals given by the ground crew because he had control of the brake when we made the double.

Q Who was making the move? Who was in control of the move?

A The ground crew.

Q Go on. You have a comment under (c) here.

A The engineman while we were doubling asked the fireman how was the position of the switches on the left side, but the ground crew was in position to give signals on the engineman's side. That question was not necessary to me because he had a clear view of the men on the ground.

Q Now, I notice that you were on this engine from the time of the start of this assignment?

A Yes.

Q How long were you on the engine?

A I was on the engine, I would say, from 2.55 or 3.00 o'clock to 4.00 p.m., maybe after 4.00, about an hour.

Q Would you describe the preparatory duties on No. 6? Have you got any comment on that?

A The duty that the fireman --

MR. LEWIS: Perhaps the witness would read it first, Mr. Chairman.

BY MR. SINCLAIR:

Q Mr. ~~Lewis~~ would like you to read it.

A "Drained main reservoir, examined water gauge, checked sand, made visual inspection around engine. All this took about 4 or 5 minutes."

Q What is your comment on it?

A My comment on that, it is up to the engineman to do that kind of work, but the fireman is there and I suppose they use him to do that kind of work but that is his job, the engineman's job.

Q Page 7 of Exhibit 61?

A Glen yard, switching, Engine 6523, engine headed west, working on a curve to the left. They were making different moves, switching coaches off different tracks and coupling them back on the track. The crew was on the right side of the engine. The engine follower was always on the engine on account of it being a left-hand curve and the field man on the rear and the foreman pretty near the rear also. There were no comments from the engine crew, the engineer or the fireman on the engine. The fireman was in his position on his seat looking at the movement in both directions.

Q How long were you on this engine?

A Oh, I was on it about the same time, about an hour or 45 minutes. Sometimes I was off and got on again.

Q I did not hear you?

A I was on the engine and sometimes I was getting off the engine and going back on the engine. I was watching the movement.

Q Page 8 of Exhibit 61?

A Glen yard, switching in what we call the loop yard, engine headed west, 7086. We were pulling about five or six coaches off No. 3 loop yard and we placed them on No. 7. Then we went back on No. 6 and got a few more, I would say about three more, and placed them on the same track, on Track 7. These movements, the crew, the ground crew was on the right side of the engine relaying signals to the engineer. During the switching operation the fireman, while making a coupling on a left-hand curve, told the engineman how the room was on that side but the ground crew was in the proper position on the engineman's side.

Mr. A. Lefrancois

Q In your opinion was it necessary for the fireman to make that observation?

A It ~~is~~ ^{was} not necessary, ^{because} ~~for~~ the ground crew ~~is~~ ^{was} right there in position. They could see the ground crew; they could depend on the ground crew.

BY THE CHAIRMAN:

Q Does that mean that the fireman was on the ground?

A No, on the engine, on the left side of the engine.

Q While the coupling was being made by the ground crew?

A He was on the engine.

Q Mr. Lefrancois, while the coupling was being made by the ground crew?

A Yes.

BY MR. SINCLAIR:

Q Did the enginemen ask the firemen for any observation?

A No, the engineer did not ask.

Q Now take page 9 of Exhibit 61, Mr. Lefrancois. What is your comment on that?

A Industrial switching in Cote St. Paul yard; engine 7012, diesel. Engine was working ~~car~~ ^{cab} first to the west. We were switching in the Sherwin Williams siding, Northern Electric ^{and} in a ^{small} little yard that we call "C" yard at Cote St. Paul. We were

Mr. A. Lefrancois

handling, I would say, about six or seven cars at a time. We went into the Northern Electric to get two cars out of the siding, which is a curve to the right, "C" yard, the curve is to the left.

Q Sherwin Williams is a curve to the --

A Sherwin Williams it is a curve to the right; it is a curve to the right when you are switching in Sherwin Williams, and all the time that switching was performed the ground crew was in the proper position, the engine follower near the engine and the two other men on the same side relaying signals to the engineman.

Q Does that comment apply to Northern Electric, Sherwin Williams and "C" yard?

A Yes.

Q All these moves you observed there?

A Yes.

Q Any other comment on this?

A The fireman did not say a word; he was there on his side; he was watching the movement in both directions.

Q Now then we will deal with page no. 10.

A Industrial switching, Cote St. Paul, Purina siding; engine 7088, diesel. The engine was headed east.

Q Was the cab to the west?

A Cab to the west, and when we performed the

Mr. A. Lefrancois

switching into the siding the engine was headed first into the siding.

Q Pushing cars in?

A Yes, pushing cars in. We did some switching in that siding I would say for about 45 minutes, and the ground crew was on the right side of the engine relaying signals to the engineer.

Q Is there any curve on that siding?

A There is a little curve to the right.

Q There is a little curve to the right?

A Yes. The fireman was running the engine and the engineman was acting as a fireman.

Q Was there any request for the relaying of observations between the left and right-hand side of the engine?

A No.

Q By the engine crew?

A No sir.

Q Where was the yard foreman when you were pushing the cars into the siding?

A The yard foreman was on the leading end and one of the yardmen was in the middle of the cars and the other one was near the engine.

Q Who was controlling the movement?

A The engineman was -- you mean, the foreman on the block, he was controlling the movement; the foreman was on the leading end of the movement.

Q Now turn to page 11 of Exhibit 61. What is

Mr.A.Lefrancois

your comment on that?

A Cote St.Paul, industrial switching; engine no. 7012; working cab first; I mean to say cab to the west, but heading -- engine is into the siding pushing cars of General Forest Products.

Q Was there any difference in this move? Are there any different comments that you wish to make on this move as set out in page 11 of Exhibit 61 and the type of move which you made and described at the Purina siding on page 10?

A No, exactly the same.

Q Exactly the same?

A Exactly the same move, no difference, except firemen was running the engine on page 10.

Q Page 10 of Exhibit 61?

A No, there was no difference other than that.

Q Then, may we turn to page 12 of Exhibit 61?

A Yes; Cote St.Paul yard, engine 7088.

Q What is your comment on this one, please?

A The engine left Cote St.Paul when I was not there, but I reached the engine at Allard yard. It is a little yard located at Cote St. Paul. When I arrived at that point at 9.45 the engine was standing, so I walked to the engine. The fireman was not there. So, I asked the engineer where he was. He told me that he was gone to take his lunch to the van.

Mr. A. Lefrancois

So, when I walked to the van the fireman was just coming out of the van and he told me the same thing that he took his lunch over to the van. So, after that we proceeded pushing ahead first to the west to go into the siding, to the Imperial Tobacco siding. To get into the Imperial Tobacco siding it is a curve to the left when you are backing in. We pulled, I would say, about eight or nine cars out of the siding, with the yard crew, the engine follower near the engine and the field man in the middle, the ~~fireman~~ ^{yard foreman} on the rear. We made a few switches in the Allard yard and went back in the siding with three more cars. During the switching the engineman asked the fireman how was the position of the switches on the left side because those switches were on the left side, but the ground crew were in proper position on the engineman's side. I do not think it was necessary, because the switches were lined up by the ground crew.

Q Who was controlling the movement?

A The ground crew, the yard foreman on the leading end of the movement; the yard foreman.

Q Any further comment?

A No, sir.

Q Turn to page 13 of Exhibit 61.

A Industrial switching by transfers, LaSalle yard, engine 8459, working cab south, but all

Mr. A. Lefrancois

the work is done with engine headed north because we are switching, we are pushing to the north.

Q Mr. Lefrancois, what kind of engine is 8459?

A A road switcher.

Q A diesel?

A A diesel.

Q I am sorry; go ahead with your explanation.

A We arrived at LaSalle yard, transfer movement at LaSalle yard. At LaSalle I made transfer at 11.00 a.m. He had 20 cars, two set off in LaSalle yard; the main line at that point is a straight track. The signals are given on the engineman's side; all cross-over line by the field man. The yard foreman remained near the van on the platform exchanging signals, relaying signals to the engine follower who was near the engine; so we backed up.

Q And the engine follower relayed them to whom?

A He did it from the foreman to the engineman. We are backing in track 2. After this was done we made a few switches into the yard getting cars for industrial switching. So, there was no observation from the fireman, and he was ^{his} on/side watching movement in both directions.

Q How long were you on that engine, about the same time?

A From 11.00 to 12.05. I was on and off. Getting on and getting off.

Mr. A. Lefrancois

Q Now then, turn to page 14, Exhibit 61.

A At LaSalle yard, transfer, engine 7018, diesel, pushing cars ahead to the north. We left LaSalle yard pushing ten cars by the main line with the ^{van}~~car~~ coupled up to all those cars and backed up, hose coupled on to the rear end of the van. We pushed over the drawbridge, we call it, over the canal and we went down to Atwater and set them up on one of the interchange tracks which is located right parallel with the Lachine Canal. When that move was done we were relaying signals. Leading man was the foreman on the leading car.

Q Was that a van?

A We cut off the van before this. We cut off our van. One of the yardmen went and lined up the switches ahead, and the engine follower remained near the engine and the ^{spark foreman}~~fireman~~ took a position on the leading car, and he got off. There is a kind of curve there. He got off to relay signals and he was watching the field man who was near the switch to relay the signals on the right side to the engineer. After the move was done we lifted from the Dominion Bridge four cars, pushing them. We coupled them up on the van, put the air through, back-up hose on the rear end of the movement and we proceeded pushing towards our main line. During that movement the fireman was running the engine

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and the engineman was acting as a fireman, and he asked the fireman if everything -- the fireman asked the engineer if everything was clear on the left side. It was a left-hand curve. The control of the movement was taken by the yard foreman himself by means of back-up hose. There was no necessity of asking if everything was clear because he was in control. The engineer had no control of the movement; it was up to the yard foreman on the rear.

Q Mr. Lefrancois, I notice on page 14 of Exhibit 61, and there are others, for example, page 10, the fireman was Arcand and the engineman was Borduas, and they were running the engine. Were they being trained? Were these firemen running the engine in training?

A Oh, no, they were past engineers; they were engineers.

A.Lefrancois

THE CHAIRMAN: I suppose it is obvious that with relation to this exhibit when the engineman passes to the fireman it is vice versa/^{because}the fireman was in the position of the engineer?

MR. SINCLAIR: Yes, sir.

BY MR.SINCLAIR:

Q Is that correct?

A Yes.

Q Will you now turn to page 15. What is your comment on that?

A Place Viger yard switching, engine No.7029. The engine at Place Viger was working headed west but they are working cab first all the time. They are pushing, you see; pulling and pushing. We switch different sidings at Place Viger, two, three ^{or} ~~of~~ four cars. These were intended for local delivery -- in team track, we call them.

MR. LEWIS: I didnot hear the last remark?

MR. SINCLAIR: Team track.

BY MR. SINCLAIR:

Q Please continue, Mr. Lefrancois.

A During the switching I did not observe anything wrong but the ground crew was always on the right side of the engine. The fireman was on the side watching the movement in both directions.

Q Mr. Lefrancois, in your years as yardmaster and assistant superintendent what would you say about these observations. Would you say

A.Lefrancois

as to these observations that they are typical of the moves being made around the Montreal terminal?

A That is exactly what they are. This is what is taking place in the Montreal terminal.

Q Have you noticed any change in the situation at all with respect to moves?

A The changes are there.

In the line of the ground crew working, about the only thing I would say is that the ~~foremen~~ foremen are more alert and have been in the last two or three months. But the reason why, I do not know. But even if they are alert enough we really do not work on their side. It is not necessary for them because we work with the engineer all the time.

BY THE CHAIRMAN:

Q I have just one question in my mind at this time. The practice of giving signals on the righthand side is a practice of long standing?

MR. SINCLAIR: Yes, I think he said that on Friday, sir, that it is a long standing thing in the Montreal terminal to give signals direct to the engineer.

THE CHAIRMAN: I was not thinking of this witness in particular but of all witnesses. It is a long standing practice, is it not?

MR. SINCLAIR: That is right, sir.

THE CHAIRMAN: But to refresh my memory again, is it based on anything specific in the rules?

A.Lefrancois

MR.SINCLAIR: No sir.

THE CHAIRMAN: Do we know how the practice grew up, the reason for it?

MR. SINCLAIR: I would argue, sir, that as the evidence will show it was established from the days of the steam engine. The necessity of maintaining direct control with the man who is operating the engine has always been the established practice in the Canadian Pacific, and the reason for that, as the evidence has shown and some of these witnesses, is that it gives you better control of the movement. I think my friend in his cross-examination of one of the witnesses said he understood that was so but ~~there were~~ exceptions to it as he was instructed. Now, this witness and the other yard witnesses that have gone before him say that they do not recognize those.

THE CHAIRMAN: I suppose the practice -- I would assume it was due to just what you say and perhaps it is also due to the fact that the firemen having other duties were not always in a position to be depended on to pass signals?

MR. SINCLAIR: That is correct, I think, sir. I believe Mr. Shepp said that.

THE CHAIRMAN: I just cannot retain all these things hearing them once.

HON. MR.MARTINEAU: If my memory serves me correctly did not Mr.Shepp say that instructions were given to ground crews accordingly or that he gave instructions?

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THE DIVISION OF THE PHYSICAL SCIENCES

DEPARTMENT OF CHEMISTRY

CHICAGO, ILL.

TO THE HONORABLE THE PRESIDENT OF THE UNIVERSITY

AND THE FACULTY OF THE DIVISION OF THE PHYSICAL SCIENCES

OF THE UNIVERSITY OF CHICAGO

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THE DIVISION OF THE PHYSICAL SCIENCES

DEPARTMENT OF CHEMISTRY

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A .Lefrancois

Mr. SINCLAIR: Yes, he also did say that.

BY MR. SINCLAIR:

Q Mr. Lefrancois, when you are taking on yardmen did you give them any instructions as to whom ^{on} and/what side they are to relay signals? in the Montreal terminal?

A In the Montreal terminal we always do that.

Q What do you tell them?

A To get into a certain position to relay signals to the enginemen and keep in sight of the rear end man also so they can exchange them on the engineer's side. The engineer is running the engine and that is the proper way to relay signals.

BY MR. MARTINEAU:

Q Since when have you been giving those instructions?

A I have been on the railway 39 years and I was instructing that way when I started.

BY MR. MUNDELL:

Q May I ask a question. This is not a matter of cross-examination but I am just confused concerning the back-up hose. I am not sure I understood the witness correctly. Did you say it is at the rear of the train?

A Yes.

Q But the train is pushing?

A Yes.

Q Is it really the rear then?

A Yes, exactly the rear of the last car; the rear end of the last car coupled to the hose.

A.Lefrancois

THE CHAIRMAN: It would be the rear if the car was going ahead but the rear this time is leading?

THE WITNESS: Yes.

MR. MUNDELL: He is on the point of the movement?

THE WITNESS: Yes.

BY MR. SINCLAIR:

Q Mr. Lefrancois, based on your observations and experience -

THE CHAIRMAN: Perhaps I could say, Mr. Mundell, that we do not get all of these points in five easy lessons.

BY MR. SINCLAIR:

Q Based on your experience, Mr. Lefrancois, in the Montreal terminal, is there any place that you ~~think~~ dual control on a yard engine would be necessary?

A I do not see any necessity for dual controls as long as your men are in the right place because you do not need them.

Q Have you ever had an engine in the Montreal terminal with dual controls?

A Yes, a German engine. The number was 1000. I spent two days on it with the dual controls but all the switching we did with it we only used the one side, the engineman's side -- I mean the right side.

Q In your opinion do you think if firemen were not on yard diesels that those diesels would need to be equipped with a dead man control?

A.Lefrancois

A Due to the speed of the engine in the yard I do not believe that thing is necessary to have a dead man control on it.

Q In your 39 odd years experience in the Montreal terminals have you ever had or heard of an engineman suffering an attack, a seizure or a blackout when operating his engine?

A No, I do not recall hearing of any case like that.

Q Since you have been in active supervision -- that is, I think, since 1942?

A 1941.

Q Since 1941 have you personally had any requirement to make an investigation or to inquire into anything about an engineman suffering a seizure or blackout when he was working?

A No.

THE CHAIRMAN:

Are there any statistics on that point?

Does the railway keep any statistics with regard to that?

MR. SINCLAIR: We made a search at the request of the union, Mr.Chairman. I forget how many years it covered. We had -- I forget how many cases. I think there was one in the yards and a number -- four or five; I am not sure of the number -- I can introduce that through another witness if it would be of assistance. I thought it would be best to take these things from the personal knowledge and recollection of the witnesses.

A.Lefrancois

THE CHAIRMAN: Yes, I was just asking generally. We will come to that.

MR. SINCLAIR: It is not a big thing on the Canadian Pacific at all.

BY MR. SINCLAIR:

Q Now, Mr.Lefrancois, based on your experience and your observations do you think firemen contribute to efficiency on yard diesels in the Montreal terminal?

A No sir, I do not think so; it is not so. They do not contribute at all to that.

Q What about the safety of yard operations; do firemen contribute to that?

A No sir.

Q You made certain special observations in the Montreal terminals. I hold in my hand the document entitled "Summary of Observations made by assistant superintendent A. Lefrancois of work performed by firemen during preparatory inspection periods, Montreal terminal".

THE CHAIRMAN: Exhibit 62.

EXHIBIT No.62: Summary of observations made by assistant superintendent A.Lefrancois of work performed by firemen in preparatory inspection periods, Montreal terminal.

BY MR. SINCLAIR:

Q Do you have that before you, Mr. Lefrancois?

A Yes sir.

A.Léfrancois

Q Just comment on Exhibit 62, please?

A February 28, 3.00 p.m. to 11 p.m., diesel engine 7095. The fireman came on duty at 2.45 p.m. When he started he opened the side doors on both sides of the engine. He drained the main air reservoir on both sides, examined the flagging kit and obtained a pail of water. The engine started to move around 3.02 p.m .

Q Do you know what they were waiting for?

A The yard crew was called. He has to have his orders from the yardmaster before he makes any move so that is the reason for the delay.

Q This engine arrived at the change-off point at 2.40 P.M. -- that would be 20 minutes before the end of the other shift?

A Yes. These things happen sometimes because they cannot make a move to finish on time instead of being overtime. They leave the engine there and the relieving crew have the engine and can get it ready for the time they are ordered for.

Q And the next one?

THE CHAIRMAN: Are we to understand that the exhibit is supposed to show how long these preparatory duties took? Is that the point of the exhibit?

MR. SINCLAIR: That is one point, and my argument would be that the locomotive arrived at the change-off point 20 minutes before the end of the preceding shift. But this fireman in this case came on duty 15 minutes before his shift, which is in accordance with his arbitrary. I do not know, he may have been there even before that because he is out on the change-off point 15 minutes before commencing the shift. The engine moved at 3.02.

MR. LEWIS: Where does it say that, that he arrived at the change-off point 15 minutes before?

MR. SINCLAIR: Column 4, "Time fireman arrived at shop track or change-off point."

MR. LEWIS: That is not the time he was ordered, that is the time he actually arrived.

THE WITNESS: That is the time when he finishes his day's work.

BY MR. SINCLAIR:

Q What time did the fireman arrive at the change-off point?

A He got on the engine at 2.45; that is the time he is supposed to be there if the engine is there.

Q So in this case he was on the engine over 17

minutes before the move was made?

A Yes.

Q Under the heading "Work performed by fireman" was the engineman there when he was doing that work?

A No, the engineman only arrived, I would say, about five minutes; he was there when he completed the work.

Q The engineman arrived after the fireman?

A After the fireman.

Q And the fireman completed the work?

A Completed the work.

Q When the engineman was there?

A When the engineman was there.

Q In your opinion whose duties are those that were performed in this case by the fireman?

A The engineer is supposed -- that is his duty, he is responsible for the engine. He is the man who does the inspection of the engine.

Q Take the next one, February 28.

A February 28, 4.00 p.m. - 11.59 p.m., Engine 7039, Diesel, with booster 101. Fireman arrived at change-off point at 3.59 p.m. and started by opening side doors both sides, balance of engine examined by engineman himself.

Q That diesel arrived at the change-off point at what time?

A At 3.58 p.m.

Q And the first move was made by that diesel when?

A At 4.04 p.m.

MR. SINCLAIR: The point there, if I may, is that from the time the fireman arrived there were 5 minutes before the first move was made and the engine was standing there 4 minutes before the fireman came on to the change-off point.

THE CHAIRMAN: I suppose what is meant by "opening side doors" simply means what it says, that is, simply turning a handle and opening a door?

BY MR. SINCLAIR:

Q What is your comment on the work done there?

A Exactly the same as the other one, this is the engineman's work, to do that inspection.

Q What about the next one, also on February 28, Engine 7038?

A Diesel.

Q And B100, is that a booster?

A A booster.

Q The same as the one before, diesel and booster?

A Fireman arrived at 4.05 p.m.

Q That is five minutes after commencement of shift?

A Yes. The engineman arrived with him at the same time. They were both together. They had a little trouble with their car. That is what they give me for a reason.

Q They had trouble with their car?

A Yes.

Q That was ~~the~~ information they gave you?

A Yes. They started to work at 4.06 p.m. When they started to work the fireman started by

opening the side doors while the engine was moving.

Q And the next one?

A The next one, 10.30 p.m. - 6.30 a.m., 7058 diesel. From the shop track the fireman arrived at 10.12 p.m. He lit red lamp and opened side doors. They left the shop track at 10.28 p.m.

Q What else did he do, if anything?

A No, that is what he did. ~~The~~^{He} lit the red lamp and opened the side door, that is all.

Q Did that take him 16 minutes to do that?

A Oh, no, it didn't take that long, but they were waiting there. The time they arrived at the shop track was 10.12 and they started to move at 10.28.

Q What did they do for the rest of those 16 minutes?

A He sat down, he was looking and talking to the engineer.

Q How long would you estimate it took him to light the red lamp?

A I would say 5 or 6 minutes.

Q The next one.

THE CHAIRMAN: Five or six minutes to light a lamp and open a door, I just do not understand.

MR. SINCLAIR: Yes sir, it all depends how you do it.

THE CHAIRMAN: Perhaps you had better tell us about that. What is involved in lighting a lamp?

MR. SINCLAIR: I will call a mechanical man on that who can describe this to you.

THE CHAIRMAN: It is more than it sounds?

MR. SINCLAIR: I do not think so; I think it is exactly what it sounds, but we will give it in detail for you.

THE CHAIRMAN: Will the witness explain how it took five or six minutes?

BY MR. SINCLAIR:

Q Why would it take five or six minutes?

A He has more than one door to open, he has two or three on each side and he has to light the red lamp and if the globe is dirty he cleans it and puts a little oil in it if there is no oil, so five or six minutes is not very long if he goes along the engine and gets that lamp fixed up.

BY THE CHAIRMAN:

Q What did he do in this case?

A Really I couldn't give you any other because I am not a mechanic.

Q This is your observation?

A I cannot tell you anything about mechanics because I don't know.

Q I am not asking you about that, I am just asking you what you saw this fireman do in connection with lighting this lamp?

A It is always what --

Q Not what they always do, what did he do?

A That red lamp is placed on the rear of the engine --

Q What did this fireman do on this occasion, that is what I am asking?

A What did he do?

Q Do you remember?

A I do remember because I was there.

Q Just tell us what you saw him do.

A All right. The first move he done, he took that red lamp which was not lit and he lit it and then --

Q Then he removed the globe, did he, and struck a match?

A That is a hand lantern with oil, he just removed the globe and lit it.

Q With a match?

A That is right, a match.

Q And lit the wick?

A Cleaned the globe.

Q He cleaned the globe?

A And put that on the back of the engine, the hand lamp.

Q That is all he did?

A Then he opened the side doors.

Q Your report does not say that.

A That is the last one. I was on the second one. He didn't do any other inspection.

BY MR. SINCLAIR:

Q Leave the one before the last one. The Chairman asked you whether he opened the side doors, and

your observation was that he opened the side doors?

A That is the last one.

Q The second to the last one, he lit the red lamp and opened the side doors?

A Just lit the red lamp and the rest of the inspection was done by the engineman.

Q When he opened the side doors what did he do, dealing with Diesel 7058?

A He just bent his head and looked in it. I don't know what he did.

Q How many doors did he open, do you remember?

A He opened about two on each side. I am not sure of that because he went around the engine.

Q What was the engineman doing then?

A The engineman, he was like on one side inside the cab; he was inside the cab when the fireman was doing that.

Q Just sitting there?

A No, he wasn't sitting; he was standing up inside the cab.

BY THE CHAIRMAN:

Q This was a yard switcher?

A A yard switcher.

Q Is there more than one door on each side?

A Oh, yes; there is more than one.

Q Where are the doors on a switcher?

A On the running board, alongside the engine; there is a running board on each side of the engine.

Q These doors are not the doors leading into and out of the cab?

A No, they are the motors.

BY HON. MR. MARTINEAU:

Q What is the purpose of opening those doors?

A They must have looked -- maybe the sand is located there, maybe they are looking if the mechanics is all right. There are several reasons. A mechanical man could explain it better than I can.

BY THE CHAIRMAN:

Q You say that those are the engineman's duties?

A Yes, because the engineman is responsible for the engine.

Q Where does it say that?

A In the rule.

MR. SINCLAIR: Exhibit 27.

THE WITNESS: He must be in charge.

BY THE CHAIRMAN:

Q What are you reading from, what page?

A Page 6.

BY MR. SINCLAIR:

Q That is the second one at the top of page 6.

Would you read it?

A (Reads):

"The employee in charge of and responsible for the operation of an engine."

That is the engineman.

- Q Have you any comment on the last one?
- A No sir. The only thing, lit red lamp. The red lamp could be lit by the engineman just as well as the fireman.
- Q Whose duty is it? Is it the engineman's duty or the yardman's duty?
- A It is never the yardman, it is engineman's duty.
- Q Did the fireman do any other work other than light that lamp?
- A No, he did not.
- Q Nothing at all?
- A Nothing at all.

BY THE CHAIRMAN:

- Q When you say that lighting the lamp is the engineer's duty, you are referring to the same rule?
- A Yes sir.

BY MR. SINCLAIR:

- Q You prepared some observations which are summarized on this sheet entitled "Summary of Observations made by Assistant Superintendent A. Lefrancois of work performed by firemen during **final** inspection -- Montreal terminals."
- A Yes.

EXHIBIT No. 63 -- Summary of
observations
during final
inspection period.

--- Recess.

Mr. A. Lefrancois

--- On resuming.

HON. MR. McLAURIN: Before you deal with Exhibit 63, Mr. Sinclair, this may or may not be the time to do it but I should like to know a little more about air on passenger trains. Are we going to have that explained to us later?

MR. SINCLAIR: On switching moves

HON. MR. McLAURIN: I just do not know anything about it. Somebody will know that I am a member of the Commission and I will have to say that I do not know anything about it and they will think that I am stupid because I do not know.

MR. SINCLAIR: With respect to air on passenger trains and how the brakes work, that is mechanical, and I have mechanical witnesses. With respect to coupling up or switching moves --

HON. MR. McLAURIN: I guess you have answered my question. You are going to tell us about it later, are you?

MR. SINCLAIR: I was going to tell you a little bit about it, sir. We could spend probably three days on air brakes alone if you went right into the matter.

HON. MR. McLAURIN: I do not expect to be an expert on it or anything like that. You have a cord on passenger trains. Is that the air or just for signalling to the engine?

MR. SINCLAIR: There are both.

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Mr. A. Lefrancois

HON. MR. McLAURIN: You have cords. Has that got anything to do with the air?

MR. SINCLAIR: One of them has. You can signal for air or put the air on. There is a communicating cord and also an emergency cord.

HON. MR. McLAURIN: It is just an air brake and when they are all hooked up it works in every car.

MR. SINCLAIR: That is right.

HON. MR. McLAURIN: No matter where you are on the train can you apply the air brake?

MR. SINCLAIR: On each car there is a place where you can apply the air brake.

HON. MR. McLAURIN: And if you pulled it in any car it would affect them all?

MR. SINCLAIR: That is right, passenger equipment.

HON. MR. McLAURIN: And that is an air brake attached to each car separately?

MR. SINCLAIR: There are separate air brakes in each car.

HON. M R. McLAURIN: And where is the air?

MR. SINCLAIR: The air comes through pipes, piped right through the train.

HON. MR. McLAURIN: From the locomotive?

MR. SINCLAIR: Yes sir.

HON. MR. McLAURIN: And the engineman

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can only know by the feel of the train that the air brakes are being put on?

MR. SINCLAIR: No, there is a gauge in front of him that shows the amount of reduction being made in the brake pressure.

HON. MR. McLAURIN: So apart from the feel he has something that tells him?

MR. SINCLAIR: Oh, yes sir, there is a gauge that tells him.

HON. MR. McLAURIN: I guess that is enough education for a while as far as I am concerned.

MR. SINCLAIR: In addition I should say that on a switch engine there is an anglecock where you can put the air on a switch engine if you open the anglecock at the front and rear of the switch engine.

THE CHAIRMAN: On the move that the witness described this morning, a draft of cars into Windsor Station with the yard foreman at the point of the movement controlling the movement with the air hose, that is a lever, I suppose?

MR. SINCLAIR: It is a pipe, sir, with a valve on it and he can apply ten pounds, twenty pounds.

THE CHAIRMAN: It is a valve with a lever?

MR. SINCLAIR: That is right.

THE CHAIRMAN: When he applies that

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the brakes go on every car in the cut.

MR. SINCLAIR: Including the engine, and that is shown on the brake pressure dial right in front of the engineer.

THE CHAIRMAN: When he does that and the engineer feels it, as he must, he shuts off his power and the foreman puts on more pressure or less, whatever he wants to do.

MR. SINCLAIR: That is right, sir. On freight trains, there is a valve in the caboose with which they can put the train into emergency, by opening the conductor's valve. Then, on these road switchers, for instance, that are going out on the road there is an automatic train brake and there is an independent engine brake and there is also an emergency cord in the cab of a road switcher. In addition, when they are in passenger service there is this dead-man control. All of them deal with air brakes.

THE CHAIRMAN: When you mention the dead-man control, you say that is limited to locomotives engaged in passenger service?

MR. SINCLAIR: That is right, sir.

THE CHAIRMAN: Not on road switchers?

MR. SINCLAIR: Unless they are running part of the time in passenger service they are not connected up.

THE CHAIRMAN: If the engine is designed to be used at any time in passenger service it has a dead-man control. If not, it



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does not.

MR. SINCLAIR: That is right.

THE CHAIRMAN: All right.

MR. SINCLAIR: I will have Mr. Woodland deal with that when I call him, sir.

BY MR. SINCLAIR:

Q Exhibit 63, Mr. Lefrancois.

A February 28 --

Q These are observations of final inspections made by you?

A Yes sir.

Q There are three of them?

A Yes sir. February 28, from 7.00 a.m. to 3.00 p.m. St. Luc yard, engine 7095, diesel, the engine stopped at the changing-off point at 2.40 p.m.

THE CHAIRMAN: I suppose, Mr. Sinclair, this speaks for itself, does it not?

MR. SINCLAIR: I think so, sir. Perhaps I might run through it quickly and ask the witness if he agrees. The first one is 7095, diesel, which reached the change-off point at 2.40 p.m. The fireman was off the locomotive at 2.42 p.m., and work performed by the fireman, none.

The next one is 7039, diesel, and then a booster?

THE WITNESS: Yes sir.

MR. SINCLAIR: B101, arrived at the shop track at 3.55 p.m. That is five minutes before the end of the shift. The first one was

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twenty minutes before the end of the shift. This one arrived five minutes before the end of the shift. The fireman stepped off at 3.59 p.m., one minute before the end of the shift, and work performed, none.

The next one is diesel 7038 with a booster, B100. It arrived two minutes before the end of the shift, no work was performed, and the fireman left the engine at one minute after four.

Mr. A. Lefrancois

THE CHAIRMAN: Did the witness make any other observations on that day?

BY MR. SINCLAIR:

Q Did you make any other observations on this day?

A No, that is all; I was just checking the time they were leaving the engine, that is all. I was checking what was the work the fireman was doing; what time they were stepped off the engine.

BY THE CHAIRMAN:

Q It is the same day that the preparatory observations were made in Exhibit 62?

A Yes.

BY MR. SINCLAIR:

Q Mr. Lefrancois, you have checked the records of the Montreal terminals, and this includes all yards and Cote St. Luc, and you have prepared a statement showing firemen disciplined in Montreal terminals in the year 1956 and train accidents Montreal terminals, 1956. It is a statement consisting of three pages.

THE CHAIRMAN: Exhibit 64.

EXHIBIT NO. 64 -- Statement concerning firemen disciplined in Montreal terminals, 1956.

BY MR. SINCLAIR:

Q Looking at Exhibit 64, Mr. Lefrancois,

Mr. A. Lefrancois

would you just run through this please for the Commission.

A On January 25, failing to protest to engineer movement over public crossing without manual flag protection being provided as required by timetable special instruction.

Q Mr. Lefrancois, you are telling the Commission that in the Montreal terminals manual protection over crossing was required by special instructions in the timetable?

A That is right, special instructions, instruction no. 23 in our timetable.

Q In this case what happened?

A In this case the engine was backing up by cab first, pulling about eight cars. The yardman, the engine follower, was on the right side on the step of the engine, on the engineer's side; and when they approached a street in the Cote St. ^{Paul} ~~Law~~ area the engine follower tried to stop the engine, but they did not stop.

BY THE CHAIRMAN:

Q What does that mean?

A The engine follower when they were approaching the crossing tried, he gave a stop motion to the engineer on the right-hand side but they did not act up on it; so, they passed over the crossing and they hit a car, an automobile which was travelling from south to north, damaging the car.

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Q I understand this engine was backing up cab first?

A East to west.

Q All right; cab first, and the cars were not in front of the engineer but behind him.

A Behind.

Q This was a diesel engine?

A Diesel engine.

Q The engineer, therefore, had turned around and was looking in the direction of the movement?

A Yes.

Q And so far as the movement is concerned he was on the left-hand side of the cab. If the engine had been going in the other direction he would have been on the right-hand side?

A He was, but --

Q You call it the right-hand side no matter which way the engineer is looking?

A Exactly.

Q And the engine follower was on the --

A Step.

Q The step in front of the engineer?

A Yes, sir.

Q In plain sight of the engineer?

A Yes.

Q He signalled the stop?

A And the fireman --

Q No, the engine ^{followed} signalled to stop and the

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engineer did not see it?

A Yes, sir; and the fireman was on the left side and he had a clear view, and he did not stop, and they come in contact with an automobile. The fireman had ten demerit marks and the engineer twenty.

Q What does instruction 23 say with regard to an engine approaching a crossing?

A No switching -- I am going to give it to you, sir. In instruction 23:

"In performing services on the south bank branch (Cote St. Paul area) no cars are to be allowed to stand on tracks located on the travelled portion of a public street, no back and forth switching movements of cars to be made on that portion of a public street -- cars to be switched in order elsewhere -- and all switching movements over streets to be flagged."

Q I suppose the engine follower on this engine said that he ~~did flag~~ ^{did signal} for a stop?

A Oh yes, because his intention was to stop the movement and walk over the street and flag the crossing.

Q Why did he want him to stop?

A Because he knew the instructions of the timetable.

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Q I know he knew the instructions. The movement does not have to stop unless there is something in the way?

A Oh, no, he has got to stop.

Q He has to stop, anyway?

A He has to stop regardless if there is anything coming or not. It is marked that all switching movement over streets to be flagged; so he has got to stop.

Q To be flagged; does that mean he must stop or --

MR. SINCLAIR: He must proceed in front of the movement and flag it over the crossing; that is manual.

MR. LEWIS: The movement must first stop.

THE CHAIRMAN: Maybe that is what it means; it does not say that.

HON. MR. McLAURIN: It says that in their jargon.

MR. SINCLAIR: I think it does say that, sir. If a man is going to flag a crossing you have to get him in advance of the movement and move it across. The man has to be there. He has to stop the movement before so he can proceed ahead of it and move it across. If he were there when the engine was coming along he could flag it across without stopping, but he is on the engine, and the only way he can get there is to stop the movement and take it across.

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THE CHAIRMAN: Yes, all right.

BY MR. SINCLAIR:

Q The engineman got 20 demerit marks and the fireman 10. Then, go to the next one on February 9th. You say, "as above"?

A That is the same, exactly, the same thing.

Q The same crossing?

A The same crossing, but we did not strike any cars.

Q But you still, on account of the rule, assessed ten demerit marks on the fireman?

A Engineer ten and the yardman ten. He was standing on the deck of the engine and had ten demerit marks.

Q Why did you give the yardman ten at this time?

A Because he was part of the crew. He was there to observe the same as the rest of the engine crew.

Q Why did you give him ten in this case and in the other case you did not give any?

A It was up to him to draw the engineman's attention to the fact they were approaching the crossing.

Q He never gave any signal to them?

A He never gave any signal.

BY THE CHAIRMAN:

Q This man was on the deck. Is this the man who was giving the signals for passing

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over that crossing, or was there any engine follower in front?

A That is the engine follower, sir; he was on the deck of the engine.

BY MR. MUNDELL:

Q Which deck, the inside deck or the outside deck?

A He was outside.

BY THE CHAIRMAN:

Q You asked the witness a question, and I am sorry I was not following it. You asked him why the engine follower got ten demerit marks on February 9 and did not get any on January 25.

BY MR. SINCLAIR:

Q Yes. What is your answer there?

A Why the engineer got ten demerit marks?

THE CHAIRMAN: The yardman.

THE WITNESS: He had ten demerit marks because he was standing outside on the deck of the engine and he did not give any signal, did not advise the engineer that they were approaching that street.

BY THE CHAIRMAN:

Q You are now speaking of February 9?

A That is February 9.

Q All right. On January 25 the yardman or the engine follower was not assessed any demerit marks because he had made the signal?

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A He had given the signal; he tried to stop the movement but they did not stop.

BY MR. SINCLAIR:

Q The next one, Mr. Lefrancois, is on February 17. What are the facts?

A Exposing himself to unnecessary personal injury and contriving to falsify report of resultant injury. That case happened in St. Luc yard. The fireman went to the office to use the telephone and on his return, coming back to his engine, instead of taking the steps to go down he went down the embankment and he twisted his ankle, but in his statement at the beginning he made a false declaration. He maintained that he slipped off the steps on account of ice. So we made an investigation of the steps after that and there was no ice at all; so he came back and gave us the real information. He was disciplined and given 20 demerit marks because he lied.

Q What about the next one?

A Involved in train accident while operating yard diesel when not qualified.

Q That says the details are on page 3. On page 3 of this exhibit are the details summarized. Does it set the matter out completely, Mr. Lefrancois?

A Yes, pretty near.

Q Maybe we can just read that. I will read it. At 1.00 a.m. on February 23, while switching

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passenger equipment at Glen yard, yard diesel 6523 shoved five cars into three cars standing on yard track causing damage to equipment. Diesel 6523 was being operated by fireman C. Harding who was not qualified to operate a locomotive. The yardman who was serving as "engine follower" was relaying signals from the other two members of the ground crew to Harding. This yardman not only failed to relay the proper signals being given him but also moved out of position where he could see the signals being given and was assessed 30 demerit marks for his responsibility for the accident. The engineer was assessed 20 demerit marks for allowing the fireman to operate the locomotive without assuring himself that the fireman was qualified to do so and the fireman received 10 demerit marks for violation of standing instructions relating to the operation of locomotives by qualified employees only." Is there any further comment you want to make on that?

A No, because the yard foreman gave a slow signal to the engine follower, and instead of relaying the signal --

Q Yes.

A Instead of relaying the signal to the engine-man, to the fireman who was running the engine

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he gave him what we call a highball signal a fast signal, and he disappeared after that, and then they were only about standing two cars from the movement so they contacted the other cars which were standing on that track.

BY. HON. MR. MARTINEAU:

Q This says:

"This yardman not only failed to relay the proper signals being given him but also moved out of position where he could see the signals being given."

Does that mean he could not see?

A Could not be seen.

MR. SINCLAIR: Yes. You could read it that way. I think it might be much clearer if it said, "where he could not be seen." What it means is moved out of proper position where he could see the signals being given.

THE CHAIRMAN: Where he could no longer see the signals.

BY MR. SINCLAIR:

Q That is what it means?

A Yes, sir.

Q Is there any further comment on that one?
Now, move to the next one, April 14.

A Responsibility for passing dwarf signal displaying stop indication. In this case



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the engineer got 30 demerit marks and the yard foreman 20 demerit marks and the fireman 10.

Q Explain it to the Commission, please.

A That move happened at Windsor Station at the interlocking plant. The engine was running cab first towards Windsor Station. They were told by the tower man at Windsor Station to back up on track no. 1 after train 357 from Quebec will be in. So, they were moving very slowly and when approaching dwarf 1 they were cab first and the foreman was on the engine in the cab with the engineer and the fireman. They ran by that dwarf which was in the red position, and that act caused 357 coming in on another track having another red signal; so he applied his brake on emergency and a couple of persons were hurt. So, the engineer and the fireman and the yard foreman -- there were three men on the engine having a clear view of that dwarf signal. He was located on the left side, on the fireman's side.

Q Who is he?

Q Who is he?

A The dwarf signal was located on the fireman's side but being cab first the engineer had a clear view of this signal as well as the fireman and the yard foreman so that the three men were disciplined because they were all responsible for that.

MR. SINCLAIR: I should possibly say, sir, that this would be our position, that the degree of responsibility is reflected in the amount of discipline assessed.

BY MR. SINCLAIR:

Q The next one, I think, speaks for itself. There was some ale found in the fireman's seat-box.

A Yes, the ale was purchased by the yardman and both were dismissed.

THE CHAIRMAN: I think that speaks for itself.

MR. SINCLAIR: Yes, that is what I am saying.

BY MR. SINCLAIR:

Q The next one?

A June 10, failing to work extra ³²⁵⁹~~3549~~ after accepting call.

Q What happened there?

A The fireman was okay for duty on the list. He was called for extra 3759 to Trois Rivières.

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Q Is extra 3759 an N-2 engine?

A Yes.

Q Hand-fired?

A Yes. After he accepted the call he made an inquiry as to what kind of engine he was going to have. He found out he was going to have 3759 a steam engine, hand-fired, so he reported himself sick. We had him up for ^{investigation} discipline and he was given 10 demerit marks.

Q Take the next one, please?

A The fireman failed to be available when called for duty and was assessed ten demerit marks.

Q That speaks for itself?

A Yes.

Q The next one?

A August 3, improper operation of injector, steam engine 1258, resulting in delay to passenger train -- ten demerit marks.

Q That speaks for itself. Take the one on August 13?

A Reporting late for duty, ten demerit marks. That was a fireman. He showed ^{up} one hour and thirty minutes late for work. He was supposed to start at twelve and he showed up at 1.30.

Q There are two on August 14?

A Yes, reading while on duty. That was in the Cote St. Luc yard.

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Both cases were alike. Assistant superintendent Presley was checking in the Cote St. Luc yard and noticed that the fireman on one diesel engine had his back against the movement and was reading a newspaper.

Q He had his back against the movement; you mean the direction of the movement?

A Yes.

BY THE CHAIRMAN:

Q This is the first item concerning August 14 you are speaking of?

A Yes, and the other one was the same --

Q I am just speaking about one. What was the movement?

A They were pulling from the classification yard to the departure yard.

Q Yes?

A The engine was headed west.

Q Yes?

A And the fireman had his back against the direction of the movement. He was reading a newspaper.

Q Yes, you said that.

BY MR. SINCLAIR:

Q So he got 20 demerit marks for that?

A Yes, and the other case was the same. While the assistant superintendent was talking to the man on the engine he noticed another engine was pulling down from the

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classification to the departure yard and the fireman was doing exactly the same thing. He had his back against the direction of the movement and he was reading a newspaper.

Q And then on August 23?

A The fireman was found in a reclining position on a yard diesel and assessed 20 demerit marks.

Q And what are the facts?

A It was during the night. He was in a reclining position so the yardmaster went into the cab because he saw it from outside that he was reclining and he could not tell whether or not he was sleeping so he went into the cab and when he got in there he found he was reclining so he made a statement. He did not even admit that he was asleep but they gave him 20 demerit marks because he was not alert.

Q And September 15?

A The fireman was given 15 demerit marks for failing to observe indication of switch resulting in switch being run through and subsequent derailment.

Q Here we have ~~the~~ engineer assessed 15 demerit marks and the yardman 15 demerit marks, too?

A Yes, because they were moving on what we call the LaSalle loop and the engine was headed west.

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Q Is that the engine ahead or the cab ahead?

A Engine ahead; and the switches are on the left side. The yardman was in the cab of the engine on the left side and he did not observe that the switch was set against their movement and the engineman did not ascertain and check the switches with the yardman or fireman on the left side.

Q Was this a transfer?

A Yes, and they ran through that switch. On the return movement from LaSalle they derailed the engine.

BY THE CHAIRMAN:

Q What was the interval of time involved?

A I would say about 30 minutes.

Q I do not quite understand the position of that switch. They failed to observe the indication of the switch resulting in the switch being run through. Apparently the switch was so situated -- what was the position of the switch?

A It was lined up for another track and they were moving on the track and it was not lined up for their movement.

Q And as far as the signal which was on the switch, ^{was concerned,} for them, /would that be stopped for them?

A For them it was to stop and then set the switch for their movement but they did not ^{stop.} ~~switch.~~

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Q So they were able to get through it all right but coming back there was a derailment?

A Yes.

BY MR. SINCLAIR:

Q November 5 speaks for itself. The fireman exceeded his 20 minute lunch period by 55 minutes and was given 20 demerit marks as was also the yardman. Turn now to page 2 of Exhibit no. 64, November 10.

A That is page 3, is it?

THE CHAIRMAN: Yes, the details are on page 3.

BY MR. SINCLAIR:

Q While operating diesel in humping operation, failing to have proper understanding with yardmaster of move to be made. The details are page 3 and I might read these and then ask you to comment on them. On page 3 being item no. 2 on that page it says:

"At 10.15 p.m. November 10th, during humping operations at St. Luc yard, diesel 7039 was coupled to batch of 75 cars preparatory to shoving these cars over the hump. N. Robitaille (qualified to operate yard engines) was operating locomotive and misunderstood radio instructions from yardmaster at the hump intended for another hump locomotive with the result that he shoved cars

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"forward colliding with other cars being humped at the time. Standing instructions during humping operations are that hump locomotives are to be identified by number by yardmaster giving instructions and identification to be repeated by engineer before the movement is made. Robitaille heard only part of message from yardmaster and did not identify his locomotive before moving. He was assessed 20 demerit marks for failing to have proper understanding with the yardmaster of move to be made. The engineer of this same locomotive also received 20 demerit marks."

BY THE CHAIRMAN:

Q That signal or those instructions from the yardmaster would be radio instructions?

A Yes.

MR. SINCLAIR: It was a hump engine, sir.

BY THE CHAIRMAN:

Q That would come by voice over the radio?

A Yes, and the standing instruction requires that the yardmaster identify the locomotive. He would say, "engine 7039, push," and the call comes back, "7039, okay to push" and

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the yardmaster has to say, "okay, 7039, push".

Q And the crew on this engine did not do that?

A No, he did not hear 7039 but he pushed just the same.

BY MR. SINCLAIR:

Q The last one, December 7.

A Violation of rule prohibiting use of gasoline, et cetera, to start or intensify fire.

Q Did that happen at the shop?

A Yes, at the shop. He was given 5 demerit marks.

Q Are these discipline records as set out on Exhibit 64 all the discipline that was assessed against firemen in the year 1956 in the Montreal terminal including Cote St. Luc and all the other yards?

A That is about all, yes.

Q What have you left out, watch inspection? Did you leave out checking watches or something like that?

A Maybe the watches and little things like that which have no bearing on the handling of trains. All the little things like watch inspection and different things like that, yes.

Q Turning now to page 3 of Exhibit 64, how many train accidents did you have in the Montreal terminal in 1956?

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A Sixteen.

Q And how many cases were there where there was any responsibility on the fireman either jointly or where the investigation showed he could have taken any action whatsoever?

A There were two cases where the fireman could have taken action.

Q And those are the two referred where they received discipline?

A Yes.

Q And they are set out on page 3 of Exhibit 64 and we referred to them earlier?

A Yes.

MR. LEWIS: Did the witness say there were 16 accidents in the Montreal terminal?

MR. SINCLAIR: Yes, including Cote St. Luc and other yards.

THE CHAIRMAN: That statement appears at the top of page 3 of Exhibit 24, Mr. Lewis.

MR. LEWIS: Oh yes, thank you.

BY MR. SINCLAIR:

Q Mr. Lefrancois, you have checked the records as the Montreal terminal including St. Luc and all other yards and prepared a statement of the employees struck by moving locomotives or cars in the Montreal terminal during the year 1956?

A Yes.

Q You have?

A Yes.

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THE CHAIRMAN: Exhibit 65.

EXHIBIT NO. 65 -- Employees struck
by moving locomotives or cars,
Montreal terminals
-- year 1956.

BY MR. SINCLAIR:

Q How many cases were there, Mr. Lefrancois?

A Crossing accidents?

Q No, employees struck by moving locomotives
or cars. Do you have that information?

A Two cases.

Q And are the details set out in this statement?

A Yes, they are, sir.

Q Perhaps I should read them and you can tell
the Commission if there are ^{any} further comments
you wish to make. The first case reads as
follows:

"At 11.15 pm. on February 23, as
passenger train was backing out of
Glen yard the vestibule steps of
a car rushed against a tractor
which had been left too close
to the tracks by F. McAdam, electrician.
The rear mudguard of the tractor
struck and bruised McAdam's thigh.
He lost no time. Yardman was riding
passenger movement and McAdam signalled
to him that tractor was clear of
track. The first and second cars
of the movement cleared the tractor

"but the steps of the third car brushed against it and swung it about."

Have you any further comment on that?

A No sir, I have no comment because --

Q It is all there?

A Yes, it is all there.

Q Was any discipline assessed in that case?

A To tell you the truth, he worked for the car department. He belongs to the car department. He is an electrician, you see.

Q Was any discipline assessed against the train crew?

A No, because the electrician told the train crew that the tractor was clear.

Q He told the yardman that it was clear?

A Yes, he told them it was clear.

Q The second case is as follows:

"At 5.00 a.m. on February 27, while switching industrial tracks at mileage 4.36 South Bank Branch subdivision, yardman J. Cournoyer slipped and fell beneath moving equipment resulting in legs being crushed. Cournoyer rode leading steps of diesel 7030 over public crossing at mileage 4.36 instead of detrainning to provide manual flag protection as required by special instruction. Unknown to other

"members of engine or yard crew he apparently slipped and fell beneath wheels. His absence was not noticed until sometime later and a search found him lying injured beside track."

Have you any comment on that?

A No, I cannot offer any comment. This poor boy fell and no one noticed him.

BY THE CHAIRMAN:

Q I suppose that is the same special instruction 23?

A Yes, he was to flag you see, and he got off the engine and fell and nobody noticed him.

THE CHAIRMAN: I think we will adjourn now, Mr. Sinclair.

--- The Commission adjourned at 11.30
a.m. until 2.30 p.m.

March 18, 1957.

AFTERNOON SESSION

--- The Commission resumed at 2.00 p.m.

A. LEFRANCOIS, recalled

EXAMINED BY MR. SINCLAIR:

Q At adjournment we were dealing with Exhibit 55, setting out details of employees struck by moving locomotives and cars in Montreal terminals during the year 1956, in which there were two cases. Next we have the details of trespassers, which statement is headed "Trespassers struck by moving locomotives or cars, Montreal terminals, year 1956?"

A Yes.

EXHIBIT NO. 66 -- Statement of
Trespassers struck
by moving loco-
motives -- 1956,
Montreal terminals

BY MR. SINCLAIR:

Q You have a copy of that before you?

A Yes.

Q There are three cases set out?

A Three cases.

Q Is there anything in particular that you wish to draw to the attention of the Commission or do they speak for themselves?

A No, there is nothing^{there}/which I might draw; there were two cases of suicide.

Q That is No. 1; would you call that a suicide case?

A Yes, No. 1.

Q And Number?

A No. 3 was one of them.

Q Two then were suicide cases. Perhaps you had better comment on the one that was not a suicide?

A At 10.20 p.m. on October 5th a man, aged 82, was found sitting on platform beside track at LaSalle station with a broken leg. He claimed to have been struck by one of two yard locomotives working in the vicinity. All crew members of both yard locomotives were unaware of any accident having taken place nor were there any marks on the man's clothing to indicate that he had been struck or dragged.

Q Was it claimed he had been hit?

A No, he was not hit. We could not prove he was hit. It was an old gentleman who used to visit the agent at that station and we could not prove that he fell off the platform, but that is what really happened. We couldn't prove it.

MR. SINCLAIR: The next is a statement covering crossing accidents, Montreal terminals, year 1956.

EXHIBIT NO. 67 -- Statement of
crossing accidents,
Montreal terminals,
1956.

BY MR. SINCLAIR:

Q In the year 1956 were you including Cote St.
Luc in all of these; is that correct?

A Thirteen crossing accidents; yes, including
Cote St. Luc.

Q This reads:

"Investigation determined that in
twelve of the thirteen cases the
engine or yard crews could have done
nothing to avoid the accident."

I notice that the first one, the one where
you say that the crew were responsible,
you have already explained that to the
Commission. It is No. 1 on Exhibit 64?

A Yes.

Q That is correct?

A That is correct.

MR. SINCLAIR: I do not think it is
necessary to say anything more on that.

BY MR. SINCLAIR:

Q Now, Mr. Lefrancois, do regularly assigned
yard crews in the Montreal terminals book out
and book in?

A No, regularly assigned yard crews which are
taking their engines in the yard are not booking
in or booking out except at shop.

Q Except when they take it off the shop track?

A Except taking their engines off the shop track or putting them into the shop track.

Q If they are taking their engines at the change-off point they do not book out or book in?

A No sir.

Q Mr. Lefrancois, do yardmen ride on the top of cars in switching moves at Montreal terminals?

A Certainly, because that is part of their work. It is necessary to exchange signals or relay signals to the engineers and they ride cars when the cars are uncoupled. That is an ordinary part of their work.

Q In your opinion is that a dangerous practice?

A It is not. It is part of their work; that is their job. I do not believe it is dangerous at all.

Q Based on your experience again in the yards as a yardmaster, a supervisor and assistant superintendent, if firemen were removed from yard diesels how many additional assignments would be needed?

A None. We do not need any extra engines, no other assignments.

Q Would you need more ground crews?

A No, exactly the same.

Q Again based on your experience, Mr. Lefrancois, if firemen were removed from yard diesels what effect would it have on your safety record in Montreal terminals?

A I cannot see any change in the safety because as long as the ground crew and the engine follower is always around the engine to see that everything is clear when they give the proceed signal or back-up to the engineer there is no danger at all because the exchanges of signals are on the engineer's side. We exchange signals on the engineer's side so the fireman has nothing to do with it.

BY MR. LEWIS:

Q On the last point, you have just told us, Mr. Lefrancois, that the exchange of signals is on the engineer's side. That means, does it not, that all the ground crew must be stationed on the engineer's side of the train?

A They are on the engineer's side of the train.

Q The whole three of them?

A To relay signals to the engineer. They can be on the left-hand side to relay signals to the engineer as well.

Q How?

A Take like the case of Dominion Oilcloth yard. They are standing for the safety of that siding on the left side and then they exchange signals direct to the engineer.

Q What I am trying to establish at the moment, and you correct me if I am wrong; you tell me whether you agree with me. If you have signals relayed directly to the engineer, then normally that means that all three members

of the ground crew are stationed on one side of the train, namely the engineer's side; that is right, is it not?

A There are two stationed on the left side and one on the step or deck of the engine.

Q I am not making myself clear. I am asking you to leave the Dominion Oilcloth alone now -- I will deal with that later. I am merely asking you about a general proposition and whether you agree with me, that in order to relay signals directly to the engineer normally all three members of the ground crew are stationed on one side of the train, namely the engineer's side; that is right, is it not?

A They are mostly all the time.

Q And that means, does it not, that no one can see anything that is happening, if anything is happening, on the other side, on the opposite side of the train?

A At the beginning before they do any move like that the engine follower is always ahead of the movement and he sees what is clear, if there are any switches to be turned, and after that he gives the signal to the engineer and if the engineer accepts that signal and proceeds, he stays near the engine and there is no danger for anything happening on the other side.

Q But for the moment he is on the engineer's side and no one, while the train is in motion, -- see whether you agree with me -- once the

proceed signal has been given and the train is in motion in the yard, or between yards in a transfer, whatever it may be; once the train is in motion your three ground men are stationed on the right side, as you call it on the engineer's side, and no one, if the helper is not there, if the fireman is not there, can see anything that might happen on the left side, on the other side?

THE CHAIRMAN: You are directing your question to the situation where the engine is leading?

MR. LEWIS: Yes. I am using the words "right-hand side" in the sense used by the witness. He calls it the right-hand side, no matter which way the engine is.

THE CHAIRMAN: Your question contemplates that the engine is leading the movement, that there are no cars in front of the engine?

MR. LEWIS: Yes, the engine is leading the movement, or also if a car was leading the movement the same thing would be true, in my respectful submission.

THE CHAIRMAN: I do not want there to be any cross purposes between you and the witness. So long as the witness understands what you are talking about.

BY MR. LEWIS:

Q Suppose I take it this way. Assume for the moment the engine is leading ^{the} movement, that the cars are coupled on to the cab and the engine

is pulling the cut of cars. Now then the signals are given on the right-hand side and I am suggesting to you that in that case there is no one to see anything while the train is in motion on the opposite side of the train?

A Yes sir.

Q Your answer is yes.

A Wait a minute, I am going to say yes if the train is moving between stations. There are three men; there will be one on the engine and if they are working in the yard, the headman is going to be stationed near the engine, but if there is any other movement coming from the other side, it is up to the other crew to take precautions, not to sideswipe that train regardless of whether it be a motion on that side or not on that side, he could not avoid the accident.

Q How could you know that he can avoid an accident in every case?

A Say there is an engine moving from the ladder lead as you mentioned in the yard and another engine is coming to a track, coming out of the same lead and if it did not take any extra precautions to stop before that fouling point, it is going to damage that movement. That is not the fault of the other crew at all, it is up to that engine.

Q I understand, and you will correct me if I am wrong, your position is that it may not be

necessary -- I am just asking you this question -- you would agree that if you have an eye on the left side of the engine, the side opposite to the engineer, it might be possible for that eye or that pair of eyes to see a movement and get the engine to stop before anything happens?

A As long as they have their switches lined up for their movement.

Q Would you please answer my question?

A Yes, all right.

Q Then you can make your explanation. It is possible, is it not?

A Yes, certainly; if the men do not pay any attention on the other movement, certainly he will do it, but that is not the man to see. That is the fault of the other crew which is on the ground.

Q I am not talking about fault, I am merely talking about the other pair of eyes on the left which if they were there ^{could}/foresee something about to happen because they could see something which the engineer and the ground crew on the other side cannot see; is not that so?

A When the signal is given to proceed the engine follower always ascertains if there is any conflicting movement, anything to hit. The minute he gives that signal to the engineer and it is accepted and they start to move and the engineer has a clear view, he can see everything is all right; if there is nothing

coming; if there is something coming, as you mentioned he can see it, except if it is right beside his engine. If it is something say about 25 or 30 or 50 feet ahead, he can stop.

Q We have an engine --

A We have an engine -- you are trying to tell me right now that another movement coming from another track could sideswipe or collide with that movement. It could happen, certainly, because we have cases like that even when we had firemen on the engines. They could not be avoided.

Q You do not know, do you, of the number of cases that were in fact avoided because of a fireman drawing the engineer's attention to something on the left side?

A When I was not on the engine I could not see anything because I am not there.

Q I asked you a very simple question. You cannot know, can you?

A No.

Q And you do not know, do you, of the number of cases where accidents were avoided or might have been avoided because a fireman drew something to the engineer's attention?

A It is pretty hard to answer your question in that case.

Q Do you know?

A I do not know, no. I am not on the engine. Maybe these cases happen and I am not aware,

but I still maintain the engine follower, if he is on his job and the engineman starts to move, he is right regardless if he has a fireman on that side he won't see it.

Q He won't see what?

A They could not avoid that thing that you mention, that accident.

Q What you mean is if you have gone too far and the other crew on the other train is reckless, then nothing you can do would stop an accident?

A That is right.

Q My question was directed to a fireman seeing it as the movement was approaching the movement he was on, and I am suggesting to you that you don't know whether there have been or have not been cases where the fireman's action has avoided sideswiping or any other kind of accident; is that not right?

A Really I am going to say that is right.

Q Let us say we have a train shoving a cut of cars, with the cars connected to the cab of the engine, with the cab coming first in the engine but the cars leading the movement; the same thing would be true, would it not?

A If they are shoving, the man on the side of the car that you mention would be standing on the ground, on the engine side.

Q Yes.

A Certainly when you are working on one side and shoving cars and are moving, if somebody else

comes in and strikes your train, that is not your fault.

Q But if you have a pair of eyes on that side, that pair of eyes would give you information which otherwise you as an engineer would not have; is not that right?

A The pair of eyes is the engine follower; he is the man who has the eyes and the minute they check the condition on the other side, if everything is clear we don't need any more eyes after that because we are moving.

Q Mr. Lefrancois, I really would be very grateful if you would answer my question first.

MR. LEWIS: Mr. Chairman, I do not know how many times I can ask the same question.

BY MR. LEWIS:

Q I aske you the question: the engine follower is on the engineer's side, the other two men are on the engineer's side relaying signals. You said that if an accident occurs it is not their fault, you cannot avoid it. I am putting to you a question and you answer it any way you want to answer it in accordance with your experience and knowledge, but answer the question please. I am putting it to you that if you have a pair of eyes on the opposite side of the engine, is that pair of eyes not likely to see things on that side of the engine which a man on the other side of the train cannot see?

A When we are moving in a yard --

Q What is your answer, first.

MR. SINCLAIR: Just a minute, Mr. Lewis. I have stood up before because I was going to point out to my friend and the Commission that what my friend is putting to the witness is a hypothesis. He puts the hypothesis to the witness and the witness replies, "Well, this is what happens." In other words, he changes the hypothesis into a fact and my friend keeps pressing the hypothesis. It is only natural that a man who is working in a yard and has been for many years should do that. He is saying to my friend, "Here is the fact, that is what we do; I don't like your hypothesis, that is not what it is." That is what he is trying to state to my hon. friend, but my hon. friend does not like it.

MR. LEWIS: With great respect, my learned friend is entirely wrong. I am not putting any hypothesis that is taken out of the air to this man. This man has had long experience, he knows what a fireman's eyes can do and what his position is. The position being taken by the company is that when the helper is not there the people who are in that place will keep a proper lookout. They are contending that they need no longer rely on the helper, that the other people will carry out a proper lookout. That is what the witnesses have been saying.

What I am putting to this witness is

not a hypothesis at all and he is not giving me the facts, as the evidence will show as we proceed with this inquiry. I think it is an entirely proper question.

MR. SINCLAIR: My friend should not say that about this witness. If he wants to call witnesses, let him call it and in due course we will deal with it.

THE CHAIRMAN: As I understand your specific question, Mr. Lewis, and putting it another way, it is this: If there is a man in position to see the left-hand side of the movement and there is no one else in position to see what is happening on that side of the movement, well then he is the only person to see. That is your question?

MR. LEWIS: And that things can happen while the train is in motion.

THE CHAIRMAN: I suppose there is only one answer to that question, and the witness can answer that question. Of course, as I have mentioned to you originally, it seems to me that it is pretty hard to reduce all these operations to one question. We have had described to us the functions of the ground crew and where they are if the engine is leading a movement; where they are if some car or cars are leading the movement, but so far as this question is concerned I can see no objection to it and I think the witness can answer it. I think the feeling of Mr. Sinclair is perhaps that the witness might have been taken

from one situation to another without realizing it, but that is not what you are trying to do to the witness at all. That is what Mr. Sinclair is naturally sensitive about.

HON.MR.MARTINEAU: The witness should say "Yes, but".

MR. SINCLAIR: He has already said "yes". He has already answered the question.

MR. LEWIS: I did not interrupt my friend when he was examining even when there were questions which might have been considered to be leading because I do not think this is the kind of inquiry where that should be done. While I have every objection to my friend interrupting, it does not put me off the track at all. I do not want to sound boastful, but he does not put me off the track at all. However I do not think it is helpful.

THE CHAIRMAN: Perhaps I can summarize the particular question you are on and I think the witness can answer it.

MR. LEWIS: Pardon.

THE CHAIRMAN: See if I have properly summarized your question, and it seems to me that the witness can answer it because to me it is an obvious question.

THE WITNESS: Will you repeat it.

BY MR. LEWIS:

Q The question I put to you latterly -- I cannot give it to you word for word -- was that if all your ground people are on the engineer's side of the train and the train is in motion, then your fireman or helper is the only person who can see anything that might happen on the left side of the train; is that not right?

A Oh yes, if he is there.

Q If he is there?

A Certainly.

Q I want to take you to the next point. You were saying in answer to a question about other movements on tracks in the yard: suppose I take you to industrial switching for a moment, following up that question. Suppose you have a track that goes into an industrial yard and signals are given on the engineer's side and all your ground crew are on the engineer's side am I wrong in suggesting to you that in industrial yards there is frequently movement of motor trucks and people not connected with the railway on either side of the train.

A We have some instructions in our rules that when switching a team track or any private siding the ground crew has to make sure if everything is clear on both sides.

Q But in order to give signals -- I am sorry, had you finished?

A Yes, I had finished.

Q If you have not, you stop me. Your dropped your voice and I thought you were finished. Your ground crew in that case, having made sure, then go over to the side on which they are to give the signals to the engineer?

A Yes.

Q During the pulling and shoving of the cars,

which so often happens in an industrial siding -- there is shoving back and forth.

A There is some movement.

Q During that time when they are on the one side of the train giving signals, do you know from your own experience in yards in Montreal whether there might be a movement of motor trucks/^{or} of people not connected with the railway at all on either side of the train?

A Certainly. You cannot stop people to move. If we would have to put a man on every engine, all over the engine and the yard to check all this movement of trucks coming along, it would be an expensive proposition. I do believe after the ground crew checks everything that the fireman, even if he is on the other side, cannot do much about it because when the movement starts the damage is done; when he hollers the damage is done, so regardless of whether he is there or not it happens.

Q You are suggesting that?

A I am not suggesting, I am saying that even if you do have a man on the other side, as you mentioned, it could not avoid that.

Q In every case?

A Mostly.

Q You know of no cases where an engine has been stopped in time to avoid injury to someone?

A No sir, I have no case like that that I remember.

Q You do not know of any case.

A No sir.

Q Where you have avoided an accident in that way?

A No sir, I do not; maybe there was some but I don't remember. These things they are never reported to me.

Q You said -- I am going back on my notes -- Mr. Lefrancois, that yardmen often ride on top of cars?

A Yes.

Q Can you make a guess how often they would do that?

A I cannot tell you. When it is necessary, it depends on what location they are working. If they are working when it is not necessary to go up on cars to exchange signals, or not necessary to put the handbrake on cars, they do not go on top of cars. When it is necessary they will go on top; it is part of their duty.

Q So that the Commission may have it clearly in mind, there is a big difference, is there not between going on top of cars to exchange signals and climbing up a ladder and getting on the platform to apply the handbrake.

THE CHAIRMAN: Platform? What do you mean by platform?

BY MR. LEWIS:

Q Perhaps Mr. Lefrancois you will explain that. Suppose I take you through this handbrake business?

A The handbrake platform is for a man to stand on when he applies the handbrake.

BY THE CHAIRMAN:

Q You are speaking about freight cars.

A Freight cars.

BY MR. LEWIS:

Q The yardman climbs up this ladder on the side of the car?

A On the side of the car.

Q And he climbs on to this platform which is built there?

A Yes sir.

Q And he grabs hold of, what is it a wheel?

A There is a grab iron there, a man hold. He can grab hold of when he stands on the platform.

THE CHAIRMAN: Where is the platform?

BY MR. LEWIS:

Q Where is the platform located, is it on top of the car?

A I would say about three feet under.

BY HON. MR. McLAURIN:

Q It is at the end of the car and about three or four feet from the top?

A Near the end on the one side.

BY HON. MR. MARTINEAU:

Q When he is on that platform is his head above the top of the car?

A Yes, about here, about his belt, about his waist, but he is outside the car. He has a clear view of everything when he is on top of

that platform.

BY MR. LEWIS:

Q When he is on top of this platform he stands on the platform and he holds on to the wheel or the bar that applies the brakes.

A Yes.

Q Is that right.

A Yes. He is ^{supposed} ~~posed~~ to hold on with one hand and apply the brakes with the other hand.

Q Whereas when he goes up on top of the car to give signals he stands on the catwalk on top?

A On the running footboard, yes.

Q Which is in the centre of the width of the car?

A Exactly.

BY THE CHAIRMAN:

Q On the roof?

A On the roof of the car.

BY MR. LEWIS:

Q On the roof of the car?

A On the roof of the car.

Q He does not hold on to anything, he just stands firmly on his feet?

A He does not want anything to hold him there.

Q He could not because he is giving signals?

A It is not necessary, because that is part of his work. He knows his work and especially in a yard movement, well there is no danger to it.

BY THE CHAIRMAN:

Q The question is whether or not there is anything to hang on to and your answer is "no"?

A There is nothing.

BY MR. LEWIS:

Q So there is no comparison between getting up on a car to put the brakes on where you have something to hold on to and standing on a car to give signals?

A There is a difference.

Q You said, Mr. Lefrancois, that a man gets on top of a car to give signals only when it is necessary?

A Yes.

Q Would it not be right to conclude from that that it is more dangerous than giving signals some other way?

A I do not see any danger at all.

Q You do not see any danger at all?

A No sir; in my experience I don't see any danger at all.

Q You say that there is no danger at all no matter what the weather is.

A No, there is no danger giving signals on top of cars or on the ground; it is about the same.

Q It is exactly the same kind of risk?

A You can give signals on top of a car just as well as on the ground.

- Q You are saying it is exactly the same kind of risk on top of a car as on the ground?
- A There is no danger on top of the car.
- Q Then you said something about the regularly assigned crew, if they took an engine at the change-off point they do not book out or book in. How many change-off points are there in the Montreal terminals?
- A Just in the Montreal terminals we have about, I would say about 15; I would guess because I didn't count them, change-off points. I am talking about the ^{yards.} ~~guards.~~
- Q Do I understand -- correct me if my instructions are wrong -- that almost every yard will have a shop track where they may get their engines -- or change-off points?
- A Change-off points.
- Q Where they may get those engines that are doubling up?
- A Yes; diesel engines mostly at change-off.

Q Which work 24 hours around the clock and they stop at these change-off points?

A Yes sir.

Q At that point you say there is no booking in or nor booking out?

A No sir.

Q Are the crews required to read the bulletins?

A Yes, they are supposed to go and read the bulletins if there are any bulletins.

Q Pardon?

A Yes, they are reading the bulletins.

Q Those bulletins are available at the change-off point?

A They are at the change-off point at some places like Cote St. Paul or at the shop.

Q It is their duty, is it not, before they get on an engine to go wherever the bulletins are in order to read them?

A That is their duty.

Q Whether it is at the change-off point or at the shop track they have to go to the place where they can read the bulletins?

A That is right.

Q And that may, even in the case of a change-off point, be located some minutes away, is that not right?

A No, because they are all close from the engines, very close.

Q The bulletins are always very close?

A Yes.

Q To the change-off point?

A Yes sir.

Q I am instructed that at the Glen roundhouse it would be quite a distance away?

A It is about four minutes walk.

Q In the amount of time in the preparatory --

A Four minutes.

Q -- that is significant, a four minute walk?

A Four minute walk.

Q There are some other places that would be four minutes?

A No, I don't think so.

Q What are the other places roughly?

A Near the yard office or very close.

Q Most of them are just about a hundred feet away or something like that?

A About that.

Q Do I understand correctly that Exhibit 67 which dealt with crossing accidents for 1956 -- I want to ask you generally about these -- and Exhibit 66 which covers trespassers struck in 1956, and Exhibit 65 covering employees struck by moving locomotives or cars; do those three exhibits contain all the accidents of that sort?

A For 1956.

Q For 1956. Did you make those searches yourself or did you have your staff make a search of the records?

A I worked myself; we were working together, the staff and myself.

Q You are satisfied there was nothing further according to the records?

A I am satisfied.

Q Then Exhibit 64 covers firemen who were disciplined. Would you mind taking that in your hands. In answer to a question by Mr. Sinclair you said that this was about all the cases of discipline against firemen in 1956. Would you mind indicating what you left out? You mentioned checking watches, I think. Is there anything else that was left out from this list?

A On the whole total?

Q Yes?

A Or the first one?

THE CHAIRMAN: Exhibit 64.

BY MR. LEWIS:

Q Firemen disciplined, Montreal terminals?

A That is included in 1956, Montreal terminals.

Q You suggested that you left some cases of discipline out. What were those you left out?

A Failure to have their watches inspected.

Q Would that be the only kind, or is there anything else?

A About that.

Q Mr. Sinclair suggests that demerit marks might have been given for garnishees which would not be listed on here.

A We didn't put those things in.

MR. LEWIS: I was going to ask as I have asked before if I might see these cases. We

have agreed not to put the names on the record, but I would like to see them.

THE CHAIRMAN: Mr. Sinclair agrees.

Mr. LEWIS: May I say also before I go any futher that I would appreciate seeing, not only the cases relating to the firemen, but the entire file which would involve any other members of the crew.

THE CHAIRMAN: The engine crew or the yard crew?

MR. LEWIS: In some cases the yard crew is involved and in some cases the engineer is involved.

THE CHAIRMAN: You are speaking of the type of thing covered by Exhibit 64, discipline?

MR. LEWIS: Yes.

MR. SINCLAIR: I will give my friend the reports and the statements on the discipline, but I will not, with your permission, give him the comments on the men's records and things of that kind, what will be done in the future about some of these people.

THE CHAIRMAN: Mr. Lewis is interested only in the facts and the occurrences.

MR. LEWIS: That is what my friend did last time. He was good enough to give me the records and I appreciate that. He would not want me to see the supervisory comments about these people.

MR. SINCLAIR: I do not think your clients would want to see them.

MR. LEWIS: I do not know whether they would or not. This leads me to the next point.

BY MR. LEWIS: .

Q Mr. Lefrancois, before I make any request may I ask you this: It would not be difficult for you to get a list of the cases in which engineers and yardmen were disciplined anymore than it was for you to get this list?

A To get a list of the engineers and other members of the crew?

Q Let me make myself clear. I do not mean in relation to the cases of discipline that you have in Exhibit 64, I mean all cases of discipline of engineers and yardmen or members of yard crews and the reasons for such discipline. It would not be difficult for you to make such a record?

A Oh, no.

Q My question is whether it is difficult or not?

MR. SINCLAIR: He said, "Oh, no."

MR. LEWIS: I did not get it.

MR. SINCLAIR: My point is that we are dealing with firemen here. It is a rather unusual thing to make available records of the company when they are not in question. We are going into questions and matters that we have up with other Brotherhoods apart from this one, and I do not think the company should be required to go and search its records about discipline in connection with enginemen in which firemen were not involved, or of yardmen in which firemen were not involved.

MR. LEWIS: May I explain both to the members of the Commission and to my learned friend why I am asking that. If my freind had confined himself in this exhibit to such cases of discipline as are contained in failing to protest to engineer movement over public crossing without flagging, what I might call operational defaults, I would not ask for the other, but my learned friend leaves out failure to check watches and garnishees but he is very careful to put in an item for May 15, two quarts of ale found in firemen's seat box, and is careful to put in discipline for a person reporting late for duty, or reading while on duty, or found in a reclining position on a yard diesel.

With great respect I would suggest that this Commission should know whether that kind of behaviour is something found only in relation to firemen.

THE CHAIRMAN: Peculiar to firemen?

MR. LEWIS: Yes, or whether it is the sort of default that would be considered a human weakness, something that would occur in any other occupation or trade.

MR. SINCLAIR: I may say this --

THE CHAIRMAN: I am trailing a little bit on this. I had thought that in connection with the last request that you said you would make available to Mr. Lewis the records about other members of the engine crew and the yard crew.

MR. SINCLAIR: That were involved here.

THE CHAIRMAN: Relating to this specific instance?

MR. LEWIS: That is what I understood.

THE CHAIRMAN: There is something in what Mr. Lewis says. What is the objection to his seeing the sort of thing he has asked for? If he thinks there is something relevant, he can bring it out.

MR. SINCLAIR: First, I should like to say that with respect to the ale, that is a dismissable offence. Two men were dismissed for bringing liquor on the premises where they were working.

THE CHAIRMAN: That really is irrelevant here.

MR. SINCLAIR: He mentioned time checks and garnishees.

THE CHAIRMAN: I am saying nothing about anything else except the ale.

MR. SINCLAIR: I do not think it is irrelevant in the sense that it shows that the company itself requires these people to be completely fit for duty. If they are caught in a case where they are not or could not or might be in an improper condition because of having had intoxicating liquor and are charged under the rule, that is a dismissable offence covered by Exhibit 27. It is just one. We have other serious offences in which firemen were involved.

If my friend wants me to go into the whole question of enginemen and yardmen over the whole Montreal terminals, where there are 228 yardmen -- I forget the number, but I think that was the evidence of Mr. Johnson in St. Luc alone -- my submission is that I should not be required to go through all the files of the company.

THE CHAIRMAN: That is what you said before. With respect to items such as August 13, 14 and 23, Mr. Lewis want to know, and I think it is relevant, whether those are peculiar to firemen or whether they happen to the other employees; and therefore, if they happen in the case of other employees, it is perhaps not so significant in connection with firemen. So, I am just asking you what is the objection of letting Mr. Lewis see the records and if he thinks there is something there that is relevant and he brings it forward, you can object to the particular matter that you think is irrelevant.

MR. SINCLAIR: Sir, we have a man running an engine, for instance with respect to August 14, and he is not going to be sitting back reading a newspaper, as the evidence indicates.

HON. MR. MARTINEAU: Unless the fireman was driving the engine at the time.

MR. SINCLAIR: Yes, if the Commission wishes me to do so I will do it, but it does involve a lot of work. I would point out that my friend is putting us to a lot of trouble about matters that are irrelevant. I have done everything I could to help, but if my friend wishes to have it --

Mr. LEWIS: Mr. Chairman, my friend has been helpful, and I want to acknowledge it. I have nothing to complain about in our relationship,

and I hope it will continue that way.

MR. SINCLAIR: Not if you ask for too much.

MR. LEWIS: That is fine. I do not get worried about a threat, whether made in good nature or otherwise, but I intend to ask for everything which in my judgment is proper, or which may be helpful to the Commission or to myself in presenting the case to the Commission. As long as I keep within those limits there is no such thing as too much, in my respectful submission.

THE CHAIRMAN: You are not asking Mr. Sinclair's clients to prepare these statements, but rather to let you see the record.

MR. LEWIS: I would be quite satisfied to do it that way.

THE CHAIRMAN: We think this is a reasonable request, that is the request to see the records. If Mr. Lewis brings forward anything from them which you think is irrelevant, you can object.

MR. SINCLAIR: Just so that I may understand, Mr. Chairman, is this limited to cases like any specific group here that he wishes me to dig out, or is he asking me to show all the discipline for all yardmen and all enginemen in the Montreal terminal?

MR. LEWIS: I am asking my friend to show me all cases for all enginemen and all yardmen

in the Montreal terminal, except these. I do not want to see watch checks and garnishees which he left out of this list; I don't want to see those in the other list either. It is this kind of case which is covered by Exhibit 54 in relation to engineers and yardmen that I want to see.

THE CHAIRMAN: You are speaking about 1956?

MR. LEWIS: 1956.

MR. SINCLAIR: I bow to the ruling of the Commission in the matter.

MR. MUNDELL: Mr. Chairman, I must say that leaves me with a slight uncertainty as to what is being asked for. I raise the question because I do not think it would be advisable to have any misunderstanding. Do I understand that what is being asked for is everything but garnishees and watch checks?

MR. LEWIS: That is right. I understand those are the only two things left out in this list, and they should be the only two things left out in the other one.

THE CHAIRMAN: I think that is clear.

BY MR. LEWIS:

Q May I take you to Exhibit 62, Mr. Lefrancois. That is the exhibit that has to do with preparatory inspection?

A Yes sir.

Q In the first four cases you have the man opened the side doors. You are talking about the side doors of the engine, are you not?

A Yes sir.

Q And there are, I think you said, two or three doors in each side?

HON. MR. McLAURIN: You mean the side doors of the motors?

THE WITNESS: Of the motors.

MR. LEWIS: The engine part of the locomotive.

HON. MR. McLAURIN: The whole thing is an engine.

MR. LEWIS: I have ~~ad~~justed my mind to think of the whole thing as a locomotive, with the engine and cab as part of the locomotive.

BY MR. LEWIS:

Q I think you informed the Commission that you thought there were two or three doors on each side?

A I am not very well versed in mechanics. I never counted them; I don't know how many - maybe two or three doors on each side.

Q Mr. Lefrancois, you do not have to be a mechanic.

A I know.

Q You just haven't noticed it?

A No; I don't know much about it.

Q I suggest to you that there are ~~three~~ doors on each side -- do you object to that?

A I would say yes - I don't know.

Q If you open the doors you see the various parts of the motor, is that not right?

A Yes; to tell the truth, I never get close to it.

Q When these men - and if we can't cover them all by one question, you tell me and I will take them one by one -- open the side doors to look into the motor did you notice whether they looked at it or not?

A No, I did not. I know they were looking inside, that is all I know.

Q You know they were looking inside?

A That is all I know.

Q I know you have said you are not a mechanic, but I want to get it on the record: do you know by opening those doors that that is the way you would be able to inspect the governors?

A I don't know.

Q Or the crankshaft?

A I don't know.

Q To put the oil in?

A I don't know.

Q The filters?

A I don't know.

Q Or the water glass?

A I don't know.

Q Would I be wrong in suggesting to you that it is possible?

MR. SINCLAIR: Did you say the water-glass?

MR. LEWIS: Yes, I am so instructed.

MR. SINCLAIR: On a diesel?

MR. LEWIS: I am so instructed.

BY MR. LEWIS:

Q Would I be wrong in suggesting to you that for all you know the helper wasn't merely opening the side doors, he was making an inspection of these various things in the engine?

A I don't argue with that; he was doing an inspection all right.

Q You will agree he was doing an inspection?

A That is what he was doing all right, but still he was doing the work that the engine-man was supposed to do; I know that.

Q In your opinion that is work the engineer should do?

A Because it is right in the rule.

Q In what rule, the rule you read on page 9?

A The main responsibility of the engine, page 6. "What is an engineman?"

Q Go ahead.

A 'The employee in charge and responsible for the operation of an engine.' If the man is responsible for the operation he should

examine the engine himself.

Q But the rule does not say he must examine it?

A But after all he is the man responsible.

Q I understand that. But at the moment you will agree with me that the fireman in these cases in Exhibit 62 was making an inspection?

A I agree with you.

Q Except you think the engineer should do it himself?

A I agree with you.

Q You read one rule. I would like you to look at page 4, the general rule "M" which reads as follows:

"Employees must exercise care to avoid injury to themselves or others. They must observe the condition of the equipment and tools which they use in performing their duties -- "

And so on. Would you not agree that the helper on the engine is equally responsible with the engineer?

A No.

Q To make sure of the condition of the equipment?

A I wouldn't agree.

Q You don't agree that he is responsible. Would you agree that he is responsible at all?

A He is not responsible.

Q I refer you to Exhibit 7 which was filed through one of the other witnesses; I think it contains sheet 6 and sheet 10. It sets out the duties of the helper, and the very first duty which it sets out is that the helper is to assist the engineman. This is an instruction from your company issued in October, 1956, and the very first duty of the helper, as I say, is to assist the engineman?

A That is only on passenger engines.

Q No, it is the first duty --

A "To comply with provisions of the uniform code of operating rules and instructions related thereto..."

Q I am suggesting to you that these are instructions to all enginemen and helpers operating on diesel units, and are not limited to passenger or any other kind of service.

A No.

THE CHAIRMAN: You might direct the witness' attention to the whole exhibit, for instance, the first sentence of the concluding paragraph.

MR. LEWIS: I was going to take two steps to that. The first duty is to assist the engineman.

BY MR. LEWIS:

Q Then it reads:

"It must be clearly understood that the engineman, not the helper, is responsible for the diesel unit or units in his care. A helper is not required to patrol diesel units, except as directed by the engineman or as may be required for the operation of steam generators. In^{the}/same way, when a unit has been checked by shop staffs, the helper is not required to perform mechanical checks, or to see that the unit is properly equipped and supplied with fuel, lubricating oil, water and sand."

A We still maintain that an engine from the shop is supposed to be A-1 condition, but now he is taking an engine out of the yard --

Q Can I do it this way? These instructions were issued in October 1956?

A Yes.

Q And you don't know of any similar instructions that were issued prior to last October, do you?

A No I don't remember.

Q As a matter of fact, none were issued prior

to last October, is that right?

A Maybe there was, but I don't remember.

Q You don't know of any?

A I don't know of any.

Q These instruction sheets say, as I read to you, that the engineman, not the helper is responsible for the diesel unit or units in his care. The exhibit sets out that the helper must assist the engineman, is that right?

A Yes. It is marked that way, but I thought it was on passenger trains, because in the yard, the man responsible for an engine should inspect it.

Q Mr. Lefrancois, are you suggesting to me that you are surprised to find the helper inspecting the engine in this way?

A I am surprised in a certain way because an eningeer should inspect his engine himself. That is why I am surprised. I did not find anything extraordinary, but after all the man who is handling the engine for eight hours should know the condition of his engine before he starts.

Q You did not know before your inspection on February 20 and March 1 --

A Yes.

Q You did not know that helpers make those inspections?

A Yes, I have seen them before that.

Q Is it not a fact that all through the period the helper has by the engineer been instructed to make precisely this kind of inspection?

A I will admit that; I have seen that prior to that.

Q Isn't it also a fact, Mr. Lefrancois, that while a helper makes these inspections as to the governors, the oil and filters and all, the engineer is making an inspection of the under-gear of the engine? Is that not right?

A Sometimes an engin~~e~~man walks around his engine.

Q He walks around his engine and looks under it?

A He does sometimes.

Q And does he not make a brake test?
Isn't that his duty?

A Maybe try his brake test, but really I was never so close to the engine to notice that he makes a brake test. He is supposed to test his brakes.

Q But you have never been close enough to the engine to see that an engineer makes a brake test?

A No. You are talking about ~~our~~² light engine?

Q Were all these cases you are talking about the light engines, which you were dealing with in Exhibit 62?

A Yes, I think they are.

Q You mean they didn't have any cars?

A No; they were prepared --

Q The preparatory time?

A Yes, they were light engines from the shop, from the changing-off point and the shop; they were light engines.

Q You were suggesting to me that you did not know they made any brake test on the engine before they coupled it on to cars?

A Yes, but I did not follow them where they went in the yard to couple up on the train; I was checking it at the change-off point and also at the shop.

Q In every case you are saying there were no cars attached to the engine?

A Exactly; there were no cars.

Q In everyone of the five cases in Exhibit 62?

A Yes.

Q The engine was standing by itself.

A Standing by itself.

Q You say you do not know^{of} the engineer making any kind of brake test while the engine is in that condition?

A No, I don't.

Q Do you know that they do not make such a test?

A I don't know.

Q You just don't know either way.

A No.

Q In the March 1st case you talk about the man

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lighting a red lamp. Are my instructions wrong that he also has something to do with a white lamp as well?

A The flagging kit on the yard engine, the white and red lamps ^{are} / supposed to be handled by the ground crew when they are taking the engine over at the beginning of a shift. The white lantern and the flaggin kit, and the red lantern as well are on the yard engine; when the yard crew takes over the engine they are supposed to check that themselves to see that they have the flagging kit and just in case they have to use it, by the engine crew, they used to light the red lamp and put it back of the engine.

Q You are suggesting the helper would have nothing to do with the white light.

A The yard crew is supposed to look after that.

Q And the helper should not have anything to do with it, is that what you are saying?

A Nothing to do with it.

Q And I suppose the same thing you are suggesting would be the case with the flagging kit.

A The flagging kit - the yard crew is supposed to check it.

Q And the helper is not supposed to have anything to do with it?

A No sir.

Q In spite of Rule M which I read to you, which says that the employees have to know the

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equipment they are dealing with?

A Yes; but the yard crew, that is part of their duty, and they check on the engine to see if the ~~fly~~^{flagging}ing kit is in good condition.

THE CHAIRMAN: What is the white lantern?

MR. LEWIS: I understand they use a white as well as the red lantern for giving signals: the red lantern is hanging at the back of the train.

BY MR. LEWIS:

Q Is that correct, Mr. Lefrancois?

A At the back of the engine.

Q And the white lantern would be used for giving signals, is that right?

A Yes, the white lantern is always used to give a signal.

BY THE CHAIRMAN:

Q To be carried by one of the yardmen?

A Yes.

Q Who uses the white lantern to give signals?

A The yardman.

BY MR. LEWIS:

Q Is not the white lantern carried in the engine?

A The flagging kit includes the white lantern.

Q Is it not a fact that the white lantern, the red lantern and the flagging kit, which consists of the flag?

A Yes.

Q It is all on the engine?

A Yes.

Q Until they have to come in to use?

A Yes.

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Q That is required by your rule 99, is it not?
That rule is at page 57, and sets out the equipment that is required for daytime flagging, and night time flagging, and when weather or other conditions obscure the day signals. That sets out what you are required to have, is that right?

A Yes. The engine has got to be equipped with a flagging kit, that is right.

Q With all of these items?

A Yes sir.

Q Let me ask you what Mr. Sinclair has called a hypothetical question: If the engine left without the red lamp, the white lamp, and the other things that should be on it, would you hold the helper responsible for it?

A No sir.

Q You are saying to me if the helper failed to find out whether those things are on, you would not hold him responsible?

A No. It is the yard foreman -- when he gets hold of an engine he has to see that the equipment is on it: if he hasn't got it he gets an order and goes to the store where he gets it.

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Q If the engine left without these things you say that the helper would not be held responsible; is that right?

A No sir.

Q Are you saying that in the past you would not hold a helper responsible for that?

A No, not to my knowledge. I never remember a case like that where they left the shop without them.

THE CHAIRMAN: Mr. Lewis, I would like to be clear on this. This red light that has been spoken of, as far as my recollection goes is the red light on the engine **itself**. Does it stay there throughout or is that the red light spoken of on page 57 that the yardman must be equipped with and use for signalling?

BY MR. LEWIS:

Q Would you explain that. Do you have this red lantern on the back of the engine; is that used for signalling?

A No one uses the red lamp for signalling except when they are going flagging they will use it, but they never use it for signalling in the yard.

BY THE CHAIRMAN:

Q There is a red light that we have heard of before which is hung on the locomotive.

A On the rear of the locomotive.

Q That stays there?

A That stays there.

Q The red light that is spoken of on page 57

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which is the flagman must be equipped with, that is a second red light that he may carry for the purpose of signalling.

A That is the red light on the engine; that is the second red light on the engine.

Q There is a red light on the rear of the engine that is carried there and stays there and nobody takes it off while the engine is working.

A No, because she stays there all the time.

Q Then there is a second red light which is carried on the engine but which may be used by the yardman for signalling?

A It may be used, when necessary to use it --

--- Recess

ADRIEN LEFRANCOIS, Recalled

EXAMINED BY MR. LEWIS:

Q I had asked about these lamps before and I thought I understood it, but perhaps I had better check it again. Mr. Lefrancois, I am instructed -- let me put it this way and you correct me if I am wrong -- that every engine is equipped with both a red lamp and a white lamp, both of them hanging near the back door of the engine, in most diesel engines, although there is another place on the steam engine; is not that

right?

A The red lantern is on the back of the engine. That red lantern belongs to the flagging kit. The white lantern: on some engines, they have white lanterns, but that white lantern is put there for the yardman but generally the yardmen have their own white lanterns. In case on the road outside the yard they have to go flagging with the red lantern, but their white lantern they have all the time; maybe some yard engines they have a white and red. I didn't discuss that. Maybe some engines have the red and white.

Q Let me speed it up; you agree with the instructions I have received that every engine is equipped with a red lantern,

A Not every one. I would say some are equipped with a red and white, but everyone has a red.

Q That is what I am saying, that everyone has a red lantern.

A Yes.

Q You are not in agreement with my instructions that everyone is also equipped with a white lantern?

A No, I am not because the white lantern; the yardman carries his own white lantern. That is the reason why we have white lanterns on the engine, when we have to go flagging outside sometimes, but the yardman carries that so we do not need any. Maybe some engines are

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equipped with white.

BY HON. MR. MARTINEAU:

Q When you say equipped, do you mean it is inside the cab to be used, or do you mean that both are hung outside the engine?

MR. LEWIS: I am instructed that not always on these diesels is the red lantern necessarily hung outside. If I may give evidence, I saw one where the lantern was on the step of the engine, but I am instructed that every engine must have and does have both a red lantern and a white lantern which are part of the flagging equipment on the engine, with the torpedoes and the fusees and the red flag and thatⁱⁿ/addition to that you agree that the yard men are each of them equipped with white lanterns or flash lights as the case may be, a white lantern usually for the purpose of signalling and flagging if necessary.

HON.MR.MARTINEAU: I put that question because the witnesses seemed to understand by "equipped" that it was hung outside instead of being inside and available to the crew when needed.

BY MR. LEWIS:

Q Do you agree with the explanation I have given?

A Sometimes the red lantern is lit and outside the cab and if there is a white lantern sometimes it might be lit and put outside the cab.

BY HON. MR.MARTINEAU:

Q It is not lit during the daytime?

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A No, at night.

Q Before that it is in the cab.

A No, the red remains on the back of the engine; they don't change the red, it remains on the back of the engine.

BY MR. LEWIS:

Q The white lantern is on the engine too.

A Some of them they have them on the engine, on the step of the engine, on the deck of the engine outside; some have not got any because the vardman carries one.

Q Some engines in your experience do not have these white lanterns at all?

A Yes.

THE CHAIRMAN: Do not have them or do not carry them in a place on the engine, in an exposed position; is that what he means?

BY MR. LEWIS:

Q Is that what you mean?

A Don't have it.

Q At any place on the engine?

A Yes, the white one.

Q The white one.

A Yes.

Q Some engines you say do not have it at all?

A Yes.

BY THE CHAIRMAN:

Q Do you mean by that that if you looked at an engine you cannot see the white light although

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there might be a white lantern inside some place.

A There is a certain location to place the flagging equipment right on the engine in a cupboard.

Q Inside the cab?

A Inside the cab.

Q And you say that sometimes that flagging equipment in the cupboard inside the cab does not include a white lantern?

A Yes.

BY MR. LEWIS:

Q As an officer of the company you do not care whether they have a white lantern on the engine or not?

A No, because the engine follower he always carries a white lantern and that flagging kit on the engine is used sometimes if necessary by the engine follower, but he has his own white lamp and he uses the red lamp which is on the engine.

Q Therefore you would not care whether the white lamp was on the engine or not.

A I wouldn't care because I know the crew has one.

Q You may not know this because this has to do with road operations, but I understand that on the road in addition to what is on the engine there is a red and white lamp in the caboose as well.

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A I am talking about yard engines.

Q I am asking if you know whether on a road train there is in road service the same flagging equipment, including red and white lamps in the caboose?

A I never made any inspection of road engines.

Q You don't know that?

A No.

Q I want to ask you about Exhibit 61, that is the one where you have a record of your observance of the actions of firemen on yard diesels. I notice that on page four a fireman was running an engine?

A Yes.

Q The trick as it has been called, or shift, started at 8.00 a.m.

A Yes sir.

Q You observed it between 10.15 and 11.15 a.m.

A Yes sir.

Q I think you informed Mr. Sinclair -- I forget whether it was in relation to No.4 or some other page and I am not anxious to mislead you -- but in connection with one of the cases you informed Mr. Sinclair that the man was not doing it as part of his training as a fireman, was not running the engine as part of his training because he had already passed his engineer's examination?

A Yes sir.

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Q That is true with regard to the situation on page 4 as well.

A That was a ~~passenger~~ engineer.

Q I suggest to you the fireman was running the engine at that time, spelling off the engineer who had wanted a little rest from running the engine?

A I don't know if he wanted a rest or just changed over to give a chance to the other engineer to practise. I don't know why they changed over.

Q Do you think that an engineer can run an engine in yard service^{1,6} for eight hours without a break at all in the handling of the controls during the entire eight hours?

A They don't work eight hours straight, they have a period of 20 minutes right in the middle of their eight hours for lunch, for eating.

Q For their lunch?

A Right in the middle.

Q Of their eight hours they have 20 minutes lunch period?

A Yes sir.

Q You think that is enough of a break for an engineer?

A Yes, in yard service, certainly.

Q The rest of the time, in your opinion, he can run the engine without a break at all?

A Certainly.

Q The same would be true in the case set out on page 5 where the man started his shift at 7 a.m. and you were observing it between 2 and 3 p.m. You think, do you, that the engineer would be unreasonable in wanting a bit of a break in the controlling of the engine after that many hours?

A No sir.

Q No what?

A Because I do believe a man can work his eight hours with his lunch period in the middle without having a fireman run the engine on the other side.

Q Just to have it on the record, that would be

your answer with regard to the other cases set out on pages 10 and 14, where a fireman was running the engine. You do not think there was any necessity for it?

A There is no necessity for it.

Q At any time?

A No sir.

Q Would you agree with me that running an engine is a very responsible job?

A It is not so great as that. After all, when a man is trained for that kind of work he can do his work just as well as an engineer or any other chap.

Q He has to give pretty concentrated and careful attention to his work?

A Like any other job.

Q Like any other job?

A Yes, like any other job.

Q You don't think --

A No.

Q -- pulling a number of loaded cars with a great deal of expensive material makes the responsibility any greater?

A No sir.

Q On page 3 you say that the fireman informed the engineman that there was room for about two cars. May I stop there before I go on. Does that mean that the fireman informed the engineer as he was backing up cars to be coupled that they were about two car lengths away?

A They were about two car lengths away from the coupling on rounding the curve.

Q Which the engineer himself could not see, is that right?

A He could not see but all he had to look was to look for the man on the ground. There were three men on the ground giving signals so he was protected by accepting signals from those men on the ground. The man on the other side did not mean anything for him.

Q You do not think it is any help to the engineer to know just what distance he is away from the cars?

A As long as the men on the ground are giving signals to the engineer in the proper way there is no reason at all as I can see it.

Q You do not think it is of any help to the engineer?

A No, it is not.

Q The same thing on page 6; would it be the same answer there? The engineman asked the fireman about the position of switches, was that on the left side?

A Yes.

Q Again you say it is of no help to the engineer?

A Because the engine follower had all the switches lined up for their movement and after it come out of Track No. 3 to double the field man lined up the switches for the back-up movement. Then he stepped back and give signals to the engine

follower who was standing near the engine to back up. So he had no reason to go and ask the man to watch the switches on the other side because he was all lined up.

Q Would it be that perhaps this engineer might have had the experience of finding that something had gone wrong in the lining up of switches on some other occasion?

A It is a question I cannot say Yes or No because I don't know why he was asking on the other side because he had a plain nice back-up signal from the men on the ground.

Q Am I wrong in suggesting to you that it is very common for the engineer to ask the fireman about the line-up on the left side which he himself cannot see?

A Maybe there is some engineers they have that practice, but really I cannot give you any figure on that because I am not on the engine.

Q Would you give the same answer with regard to page 8, the fireman informed the engineer how the room was; on the fireman's side, I suppose that means --

A On the fireman's side, yes.

Q Again you suggest that there is no purpose to it at all?

A At that time they were handling three cars, for your information, and there was three men on the ground on the engineer's side and I believe it was not necessary for the fireman to

see the room because the signals were perfectly relayed to the engineer on his own side.

Q Without going through one or two others where this occurs, do I understand your point to be that the engineer is to govern himself entirely by the signals that come from the ground crew?

A Yes sir.

Q And is not to worry about anything that he might not be able to see?

A Yes sir.

Q Because he has just to follow the instructions relayed to him by signals from the ground crew?

A Exactly so, yes.

Q You are suggesting that the engineer driving an engine and not knowing anything of what is happening on the opposite side of his engine should feel entirely secure by accepting and following signals from the ground crew and nothing else; that is what you are suggesting?

A As long as the engine follower looks over the movement and observes that everything is clear and he gives him a proceed signal or a back-up signal and he accepts it, so he must have a clear conscience and he don't have to worry at all. That is what I think.

Q The engineer is not to satisfy himself with somebody's eyes in the cab of the engine about it, he just accepts the fact if he gets a signal then everything is o.k.?

A That is good enough, as long as he gets a signal

he should be satisfied.

Q Then you talked earlier today about this conductor or yard foreman controlling the back-up hose and you suggested in one or two places, according to my notes -- if I am wrong you correct me -- that in that case the conductor or the yard foreman is in control of the movement; is that right?

A Yes sir, backing up.

Q Backing up. When he is at the point of the movement, is that right?

A Yes sir.

MR. LEWIS: I realize, Mr. Chairman, that Mr. Sinclair has indicated that this brake business is a pretty complicated one. I am not going to attempt to deal with it in any detail, but I think it is necessary for me to put one or two questions to this witness with regard to it.

BY MR. LEWIS:

Q Mr. Lefrancois, my instructions are that that back-up hose attachment is intended for and is used for emergency stops?

A No sir.

Q What is it used for?

A It is used when we are handling batches, pushing with the air on to have control at the lead end because the engine is at the other end.

Q What exactly -- what kind of control can the conductor have with this back-up hose?

A He can stop the train any time at all if he wants by just opening up the back-up hose and putting

so many pounds of air, and then he reduces speed or he stops if he wants to stop.

Q First of all, he has no gauge to see how many pounds of air he is releasing?

A He doesn't need to have a gauge, the engineman on the head end has the gauge on the engine.

Q But he has none?

A No.

Q The man at the point of the movement has no gauge?

A No.

Q Which tells him how much he has released, that is right?

A That is right.

Q Secondly, my instructions are that if he releases this back-up hose, releases the air, and if the engineer in the engine does not what I have been told is called "lap" his valve, which I understand means to shut off the air going into the hose that connects various cars and the engine?

A Yes.

Q If the engineer does not lap his valve, does not close the valve very quickly the ~~air~~would flow back into the hose?

A Certainly.

Q And the conductor's adjustment would be of no effect, would it?

A All right, certainly, if he doesn't lap his valve, but before making any back-up movement from the Glen yard to Windsor Station we make sure the engineer laps his brake and the brakes are tested and we certainly have pressure when we start to move.

Q He laps his valve before the back-up hose is applied; you do not mean that, do you?

A Wait a minute, I didn't say that. I said we made sure that the valve is lapped before the move is started. That is what I have said.

Q That the valve is lapped?

A Before the movement starts.

Q The air is completely shut off before you leave?

A The air is on the train; the back-up hose is coupled; the engineman tests his brake. He makes a road test of the brake because the brakes are tested in advance at the Glen yard by a machine. Then as soon as the brakes are o.k. the engineman laps his valve.

BY THE CHAIRMAN:

Q What does that mean, what does he do at that point?

A Lapping his valve?

Q Yes?

A He is pumping the train line, the air. Really, to explain that to you, I cannot do it, but I know when they call that lapping that the control of the back-up hose, the man at the back-up hose controls the movement, but if he doesn't lap his valve -- to give you a real explanation of that I cannot. I know when we make a movement we always ask the engineer to lap his valve to leave us control by means of the back-up hose.

Q I am just asking you when you used the expression a moment ago that the engineer lapped his valve before the movement started, what did you mean by that?

A Because the meaning of that is this, to give full control of the brakes to the yard foreman at the leading point.

Q That does not tell me anything, Mr. Lefrancois.

BY MR. LEWIS:

Q When you say the engineer laps his valve -- without going into the mechanical details -- you have just made a statement which I would like to test. When the engineer laps his valve that in fact means that he shuts off the feed of air to the hoses, does it not?

A Oh, no.

Q It does not mean that?

A If he shut the air you have no air.

THE CHAIRMAN: What does it mean?

BY MR. LEWIS:

Q That is exactly what I am suggesting.

A You will have to get a mechanic to give an explanation.

BY THE CHAIRMAN:

Q You are being asked what you understood when you told the Commission that the engineer laps his valve. What do you understand he does? That is all; if you don't know what he does, say so.

A I cannot give you a full explanation of everything when we were talking about when the valve was lapped. As you say, we had full control at the back. That is all I can tell you.

BY MR. LEWIS:

Q Let me put it to you this way. Would you agree with me that the conductor at the leading end of the train or the yard foreman, whoever he may be, who is on the valve of the back-up hose controls the movement of the train only if the engineer in the cab of the engine co-ordinates his application of the throttle and the brake with what the conductor is trying to do at the back?

A The engineer never applies his brakes when they are pushing a draft from Glen to Windsor Street because if he does that is not the right way to do it.

Q I didn't say he applied the brakes, I put it to you a different way. Suppose the conductor at the back-up hose releases some air, 10, 15 or 20 pounds, he does not know --

THE CHAIRMAN: When you say release air, that means apply that much air to the brakes?

MR. LEWIS: Yes.

BY MR. LEWIS:

Q Suppose he does that, releases a certain amount, whatever it may be, then that begins to register on the gauge which is in front of the engineer; right?

A Yes.

Q In the cab, and also the engineer, being accustomed to the movement of his motor, feels the application of the brake, this small application or larger application?

A Yes sir.

Q I am suggesting to you that the control of the conductor at the back-up hose would be ineffective unless the engineer when he sees the gauge and feels the braking on the wheels closes off the flow of air to the hose, laps his valve, shuts off the throttle at the same time as the conductor applies the back-up hose? Unless the engineer does those things the conductor's control would be nullified, is that not so?

A You are talking of a movement or standing?

Q Any movement. We are pushing this batch of cars up to Windsor Station.

A To give you an explanation on that, I cannot give you an explanation on that. I have never heard of any of that trouble, never had any of that trouble where we were taking down this draft

at Windsor Street.

THE CHAIRMAN: Would it suit your purpose if we had a witness who knew about this operation?

MR. LEWIS: It would, and I am not pursuing it any more except with your permission to suggest to this witness, and in one or two cases to others, that if he does not know how this thing worked, with great respect I suggest he was not in position to say that the conductor at the back-up hose controlled the movement, which is what he said several times in evidence in answer to my friend.

THE WITNESS: You just put the question the other way. I cannot tell you that because I was not on the engine. I never had any occasion to do any kind of move like that.

THE CHAIRMAN: I think we had better get this directly.

MR. LEWIS: I have made my point on that.

BY MR. LEWIS:

Q May I ask you about something which will probably take a little while, and I refer to the famous Dominion Linoleum example you have given. This is your Exhibit 57. I must apologize to the Commission and in a sense to the witness. I just could not make out from the transcript which I read carefully over the weekend exactly what the witness suggested was the change he made in the position of the people. It was said

several ways.

THE CHAIRMAN: I thought I had straightened that out myself at one stage.

MR. LEWIS: That was different from what the witness said at two or three other stages.

MR. SINCLAIR: I do not think my friend should make remarks like that.

MR. LEWIS: I am not going to argue with my learned friend; it seemed to me to be different.

BY MR. LEWIS:

Q You said that some weeks ago you heard that in the Hochelaga yard they were giving signals to the firemen?

A Yes sir.

Q And that you went down to correct that and you showed them how to do it so that they wouldn't have to give signals to the firemen, they could give them on the engineer's side?

A Yes sir.

Q You also said -- I am putting it this way as I think it will expedite the questioning -- that when they were giving signals on the fireman's side the train would come down from the point toward the top of the left-hand corner where the words "from Place Viger" occur?

A To Place Viger.

Q In the left-hand corner. The train would come down from there?

A Exactly.

Q With the engine attached to the cars and the engine pushing the cars?

A Yes sir.

Q So that the engineer would be on the west side of the movement; right?

A Yes sir.

Q And then what they used to do -- correct me if I am wrong -- the train would go down to the switch which is near the words "To Place Viger"?

A Yes sir.

Q They would line up that switch and then the ground crew would go over on the east side?

A Yes sir.

Q And relay their signals to the fireman?

A Yes sir.

Q Now the change you made, what exactly was it? Do you mind going over it?

A The two remain on the same side, the west side.

Q They remained on the west side?

A Yes, and pushed their cars right in the siding.

Q Let me stop you there for a moment. If they remained on the west side that means they remained on the side opposite to the side on which the projection of the platform occurs?

A They are on the engineman's side, on the west side, and the platform is on the other side, on the east side.

Q When they come to the building, as soon as they reach the building, there is no place that anybody can go between the track and the building?

A There is no place at all.

Q What happens then?

A The foreman is right at the entrance door and he has warned everybody in advance and he has the door open.

Q Which door?

A The door of the building open. Then he pushes right to the siding and stops the engine near the platform. You can see the extension of the platform right there, outside the door.

Q He stops the engine before it goes right into the building?

A Yes, right at the platform, right at the extension of the platform outside the building.

Q If I may interrupt you for a moment. By that time there are some cars that have been pushed into the building?

A Yes, he pushed them in himself.

Q He saw that everything was clear?

A Yes sir.

Q And then he gave the proceed signal or the back-up signal, whatever he would give?

A The back-up.

Q And the cars were pushed in without anyone inside watching those cars?

A He went there in advance and everybody is advised that he is coming and they are watching and he pushes them in like that because the people are advised he is coming with three or four cars and they know it and everybody knows of the motion because he has warned everybody in advance.

BY THE CHAIRMAN:

Q You mean by that the people working in the building?

A The Dominion Oilcloth employees.

Q The Dominion Oilcloth employees?

A The Dominion Oilcloth employees.

BY MR. LEWIS:

Q Then he stops the engine at the wall there?

A Yes.

Q At the platform. What happens then?

A Then they cross over on the east side; the yard foreman and the field man and they both -- the foreman walks on the platform on the east side right at the end where the cars are and the field man stays on the platform outside the building and the engine follower stays on the deck of the engine or on the step of the engine and he relays to the engineer direct to the cab.

Q You now have the yard foreman at the end of the track inside the building; right?

A Yes sir.

Q On the platform on the inside?

A Yes sir.

Q You have one of the other two yard crew on the platform which projects outside the building?

A One of the yard crew on the platform and the other one is on the step of the engine.

Q The other one on the step of the engine on the fireman's side?



A Yes, he is on the deck of the engine; he stays on the deck of the engine.

Q Do you mean the step or the deck?

A The deck.

Q That is this little platform that connects the two sets of steps on both sides of the engine; is that right?

A Yes sir.

Q That is some little distance below the floor of the cab, the deck of the cab itself?

A Just outside, a little below, yes.

Q It is a little below?

A Yes.

Q You say that this man stands, this engine follower in the middle of that deck?

A Yes sir.

Q With the backs of the cars attached to the cab of the locomotive while it is pushing the cars?

A Yes sir.

Q You are suggesting that the engine follower standing in the middle of that platform behind the boxcars was able to see a signal from a man standing on the platform outside the Dominion Oilcloth and Linoleum Building on the east side of the track?

A Sure, because he was standing right opposite to the man on the deck, the one outside on the platform was standing right opposite the other

man who was standing on the deck.

BY THE CHAIRMAN:

Q Then you must be speaking of the time that the engine stopped just before it entered the building?

A The engine stopped, I don't get you.

Q Where is the engine itself with relation to the building at the time you are now speaking about?

A The engine stopped right opposite the platform outside the building.

BY MR. LEWIS:

Q You have all the cars inside without any signals from inside; is that what you say?

A No, we had signals at the beginning when we were backing in from the engine, inside on the west side.

Q That was not from inside the building, that signal was given from outside the building?

A Yes sir, but the yard foreman in advance prepared the whole thing. He got the doors open, everything away from the track, so it was safe to back up because they were advised.

THE CHAIRMAN: If I may say so, my recollection is that when I was trying to appreciate this movement the other day I went through the whole movement with the witness, where each man was, when each man changed and at what point. Now we have suddenly arrived with the locomotive just outside the

building without having had a statement about any other part of the movement.

MR. LEWIS: I think I have followed it to this point.

BY MR. LEWIS:

Q As I understand it, Mr. Lefrancois, you were signalling the movement on the right-hand side, on the engineman's side?

A Yes sir.

Q You say that as the cars approached the building, as the point of the movement approached the building the yard foreman -- I am cutting it short -- warned everybody inside the building and made sure they all knew what was happening, and then he gave the back-up signal to the engineer, and the three or four cars were pushed right into the building and when the engine --

THE CHAIRMAN: At that point the engine must have been stopped further out from the building when they changed the positions.

MR. LEWIS: It was stopped outside the building.

THE CHAIRMAN: Yes, but not just at the entrance to the building; it must have been some distance away, as I understand it, before any of the cars had entered the building, that this switch in the position of the ground crew took place.

MR. LEWIS: That is not what he is saying now. That is why I said earlier I had got mixed up.

THE CHAIRMAN: That is why I say I do

not think you can appreciate what the witness means unless you get him to take the whole movement as it occurred.

MR. LEWIS: I would have no objection to doing that as I have several questions to ask him as to what he did.

THE CHAIRMAN: I am just suggesting that because I found I could not understand it before without doing that.

BY MR. LEWIS:

Q Would you mind going through this movement. We have the locomotive, cab first, pushing three or four cars?

A Do you want the movement the way they were doing it at the beginning?

Q No, the way you told them to do it.

A We start from Place Viger with the diesel engine with five cars.

Q That is at the top of the left-hand corner?

A Yes, with one man on the first car next to the engine, and the second man on the third car from the engine.

BY THE CHAIRMAN:

Q Where is the foreman?

A The foreman, he walks ahead toward the building to have everything prepared, the door open, the tracks clear and the men advised not to be there.

Q You are telling us the situation as it exists, when they start up here on the left of this

plan where we find the words "From Place Viger"?

A Yes.

Q Your counsel wants you to carry on very slowly from that point and describe the changes, if any, and how the signalling was done?

A The yard foreman walks to the building to have everybody advised first. So the engine follower and the field men took a position on the right side, on the west side of the movement, on the engineman's side. The engine follower on the first car next to the engine and the field man on the third car from the engine. When approaching the switch where it is marked "To Place Viger" the field man and the engine follower cross over on the east side at the same location as they were on the west side, the first and third cars from the engine.

By MR. LEWIS:

Q They do that?

A That is what they were doing before. It is for that reason then they start to go back. The yard foreman is standing at the end of the platform, on the east side at that time. So that three men are on the east side of the movement and they are pushing these cars into the siding with signals given on the fireman's side.

BY THE CHAIRMAN:

Q Where does the engine stop when this change-over takes place?

A The movement stops right at the switch where it is marked "To Place Viger". That is the first stop.

MR. LEWIS: Despite all our requests, I think the witness is now telling us what they used to do before he corrected it.

THE CHAIRMAN: I am afraid so.

THE WITNESS: That is what I was asked.

BY THE CHAIRMAN:

Q You are being asked how the movement was carried out after you corrected it?

A Oh, I am sorry, excuse me, sir. We started the movement at the same place, from the Place Viger, with the engine follower and the field man on the first and third cars from the engine, and the yardman walking ahead and having the doors open to get in the building, and pushing the movement, backing up, and they push the cars right inside the building, stop the engine right at the platform outside the building.

Q That is the first time there is any stopping from the time the movement started?

A.Lefrancois

A Yes sir. After the engine stop the foreman goes over on the east side and the field man and the foreman walk to the block and the field man stand on the platform and the engine follower is on the back of the engine right opposite the field man who is standing on the platform, and the the yard foremen give them the motion to back up, to spot these cars and the field men relay the signal to the engine follower who is standing right on the deck of the engine and he relays the signal to the engineer through the cab window.

BY MR. LEWIS:

Q Mr. Lefrancois, that means how many cars were pushed into the building before the engine stopped at the platform?

A Five cars.

BY THE CHAIRMAN:

Q May I ask at this point, were the engine follower and the field man still on the side of the cars, on the west side as they went into the building?

A They got off.

Q You did not say they got off at all.

A They have to get off.

Q Of course they would have to get off. I cannot see why you cannot take this movement slowly and carry it through and tell us just what happens to the three men on the ground and the signals they give and how they are obeyed. You know it

A.Lefrancois

so well?

A I do; I understand it.

Q You have to give us the picture, and that what counsel is asking you for.

A The two men get off right outside the building.

Q Was the train moving or stopped at that time?

A No, they got off before the movement, the engine stopped.

Q They got off while the movement was taking place?

A Yes.

Q What did they do?

A They crossed over from the west side to the east side.

Q In front of the moving cars.

A They were standing; they were standing there; they were on the siding and stopped.

Q But you said it had not stopped?

A They stopped at the entrance of the building and then after the movement stopped, after they were off the car, they had to get off because there is no clearance on both sides.

Q When they got off had the train stopped?

A When they got off the train stopped after that.

Q Then they got off while the train was moving?

A Was moving.

Q Did they run around in front of the moving train and cross over?

A They used the step on the engine to cross over to the platform.

Q They crossed over in front of the moving

A.Lefrancois

locomotive?

A They used the step on the engine to cross over on the platform because the engine was the cab first going in.

BY MR. LEWIS:

Q They climbed up the steps on the west side of the engine and crossed the platform to the east side?

A To the east side of the engine.

HON. MR. McLAURIN: The platform of the engine?

MR. LEWIS: That is what it would be.

BY HON. MR. MARTINEAU:

Q That is not what you said yesterday. You said the train was stopped the place marked "Place Viger" and it was at that place that the two men crossed to the east side and the one stopped on the deck of the engine and the other one took his place on the third or fourth car, and then the movement started again. That is what I understood yesterday.

A That is exactly the way we make the move with the cars. We started from Place Viger with one standing on the first car on the west side and one on the third car on the west side. That is the way we made it.

BY MR. LEWIS:

Q You had five cars attached to the cab of the engine.

A Yes sir.

Ã.Lefrancois

- Q I am dealing now with the way you wanted them to di it, the way you told them to do it. You have the fifth car going first into the building; right.
- A Yes.
- Q Then you have the fourth car goes in next° right.
- A Yes.
- Q Then the third car is about to go into the building and your yardman who is on it on the west side jumps off; is that right?
- A Yes sir.
- Q Is that right.
- A Yes sir.
- Q Then the third car goes into the building?
- A Yes sir.
- Q Then the second car follows it into the buildings; right.
- A Yes sir.
- Q Then the first car next to the engine is about to go into the building and the yardman on it jumps off; right?
- A Yes sir.
- Q Then you have the first car going into the building until the cab or platform of the engineer is about where the outside platform of the building is?
- A Exactly, that is what it does.
- Q Then you stop the movement?
- A Yes sir.

A.Lefrancois

Q In the meantime you say these two yardmen, one of whom jumped off the third car and one of whom jumped off the first car, had crossed over to the east side, over the rear platform behind the cab.

A Yes sir.

Q On the engine?

A Yes sir.

Q And then they took their positions and then when the engine stopped the yard foreman came around?

A Yes sir.

Q To the east side?

A Yes sir.

THE CHAIRMAN: The same path?

BY MR. LEWIS:

Q Was he following the same way?

A The same way.

Q Over the back platform of the engine?

A Yes sir.

Q At this time the engine was standing?

A Yes sir.

Q It had been given a stop signal?

A Yes.

Q Then the yard foreman walked over and walked right inside the building?

A Yes.

Q And stood on the platform?

A Yes sir.

Q On the east side of the track?

A Yes sir.

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Q Right.

A Yes.

Q And one yardman stood on the platform outside the building?

A Yes sir.

Q On the east side of the track?

A Yes.

Q And the other yardman was on the rear platform behind the cab?

A Was on the deck.

Q That is the deck connecting the two sets of steps on each side?

HON. MR.McLAURIN: We have heard of an outside deck and an inside deck.

BY MR. LEWIS:

Q This is the outside deck you are speaking about, it is not in the cab, it is outside the cab?

A Yes, outside the cab.

THE CHAIRMAN: About a foot wide.

BY MR. LEWIS:

Q It has steps on each side back of the cab: right?

A Yes.

Q It is a little platform that goes from one set of steps on one side to the other set of steps on the other side?

A Exactly.

Q There is a door in the middle that you can get into the cab through?

A Yes.

Q You say at that point when you got to the outside

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platform, the outside of the building, you stopped the engine and this other yardman was on this deck or platform relaying signals from the foreman, from the yardman on the building platform to the engineer.

THE CHAIRMAN: The engine follower.

THE WITNESS: To the engine follower on the deck.

BY MR. LEWIS:

Q To the engine follower on the deck and he relayed them to the engineer?

A Through the window of the cab.

Q And that means, does it that all five cars of the train went into the building without anyone at the point of the movement in the building? that is right, is it not?

A If they went through the building?

Q Went into the building, all five cars went right into the building?

A Maybe the last one wasn't in it clear entirely.

Q Part of it was.

A Part of it.

Q Then four and a half cars?

A Because we don't want to put it right in the building because the siding holds five cars and a man would have to be at the tail end to make the spotting right because there was danger there.

Q You put in four and a half car lengths?

A About that.

A.Lefrancois

Q Into the building without anyone at the point of the movement all the time those cars were going into the building?

A There was nobody at the point of the movement but the arrangement was arranged in advance to have everything clear and the yard foreman went there personally and he informed the Dominion Oilcloth people and there was no danger.

BY HON.MR.McLAURIN:

Q Your answer is, yes, there was not anybody at the point of that movement ?

A There is nobody working on those tracks.

Q The answer is there was nobody at the point of the movement.

A There was nobody.

MR. SINCLAIR: He said that, sir; he said "Yes".

HON.MR.McLAURIN: He said a little more.

MR. LEWIS: He said several pages more.

MR. SINCLAIR: I heard him say "yes; but".

THE CHAIRMAN: It is hard for some people to say yes. Mr. Lewis, if it suits your purpose, we might find out what they used to do before today.

MR. LEWIS: Before I do that, if I may there are a few things I should like to clear up. I am instructed -- let me be fair to you and tell you that this was by one of the people who worked on the job

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at the time you were there -- that the engineer at that time when you told him to make the movement this way objected to it and told you that he could not see the signals that were being relayed to him by the man on the rear platform of the car.

A Yes, he told me that and I told him that if he would not remain in a stretched-out position; the way he was he couldn't see anything. All he had to do was take his seat and watch for that movement from the cab window.

Q In fact you told him more than that, didn't you; you told him if he really wanted to see he could stand up and hold the controls, stand up and look through the window?

A He didn't have to stand up; all he had to do --

Q I am asking you if you did not tell him that he should stand up?

A I don't remember if I told him to stand up or not stand up; I don't recall that.

THE CHAIRMAN: I think you should pay attention to the question and just answer the question. The question was: Did you tell him to stand up?

THE WITNESS: I don't remember.

BY MR. LEWIS:

Q You don't remember?

A No sir.

Q But you do remember telling him that he would have to stretch forward in order to see?

A He was in a stretched-out position and then I told him to stand on his seat, to be straight in his seat so he would be able to see. That is what I told him.

Q What do you mean, "stand on his seat"?

A He was back against the cab of the engine. If you are going to see a man right on the deck of

the engine you are going to see the signal sure if you do that.

Q I am instructed that he did what you wanted him to do; he refused to stand up, but he did lean forward.

A Then he could see the signal.

Q He still told you he could not see the signal.

A He could see the signals if they were placed in exactly the way they were placing them.

Q You said that you went back there?

A Yes, I went back.

Q How soon after that did you go back?

A Oh, I would say about a week after.

Q About a week after?

A About that.

Q Did you speak to these people again?

A No, I did not.

Q Where were you when you went back?

A I was somewhere around there.

Q Where, somewhere?

A Where? I was with another man.

Q Where, somewhere around there?

A Around that Dominion Oilcloth building.

Q Exactly where?

A It was on Delormier Street or Parthenais Street.

Q That is the most easterly street shown on Exhibit 57?

THE CHAIRMAN: The Dominion Oilcloth building abuts on it.

MR. LEWIS: We will come to that in a moment.

THE CHAIRMAN: In this plan.

MR. LEWIS: We will come to that in a moment.

BY MR. LEWIS:

Q That is where you were standing on Parthenais Street?

A Inside the fence and watching the movement.

Q You were standing inside the fence?

A The fence, yes.

Q Mr. Lefrancois, on Parthenais street inside the fence.

A That is at Parthenais Street, right at the entrance.

Q Inside which fence?

A The Dominion Oilcloth fence.

Q Is not the fence of the Dominion Oilcloth, does it not go north and south, down south from Notre Dame Street?

A Yes, Parthenais runs from St. Catherine to Notre Dame.

Q Is not Parthenais east of the Dominion Oilcloth fence?

A They have a building on both sides of the street.

Q Mr. Lefrancois, is not the track which is exhibited on Exhibit 57 west of that fence?

A West of Parthenais Street, exactly.

Q Is there not on the corner of Parthenais and Notre Dame, on the southwestern corner, an empty lot?

A On Notre Dame?

Q On north of Notre Dame and Parthenais Street, the southwest corner of Notre Dame and Parthenais Street, right here, stretching opposite this track?

A There is a fence here.

Q I am asking you whether there is an empty lot occupying the southwest corner of Notre Dame and Parthenais Street?

A I cannot say, but I know there is some vacant land here; it belongs to the Dominion Oilcloth.

Q Then there is another building that faces on Parthenais Street which is north of this empty lot?

A There is a vacant place right here, I can tell you that.

MR. SINCLAIR: Pointing right above Parthenais on this map.

BY MR. LEWIS: I suggest that you could not possibly see the track by standing on Parthenais Street and looking west toward that?

A I was right near the movement but they didn't see me. I was right there and they couldn't see me, but I could see them from where I was.

THE CHAIRMAN: Mr. Lewis, do you want the witness to put a mark on the exhibit indicating where he was standing?

MR. LEWIS: Yes.

THE CHAIRMAN: Where is the original exhibit?

MR. SINCLAIR: Here is a red pencil which will show on the blue.

THE CHAIRMAN: Mr. Lefrancois, you are just asked not to say anything but to put a mark on the plan where you say you were standing.

THE WITNESS: I was standing here. There were some empty barrels.

THE CHAIRMAN: If you are going to give evidence, will you speak up so we can hear you.

MR. LEWIS: The witness has made a mark on the western line depicting Parthenais Street about two inches, right above the "P". I was going to say about two inches from the south end of the building as depicted, but it is just above the "P" on the west line.

BY MR. LEWIS:

Q You were standing on the sidewalk of Parthenais Street at that point?

A I was right in the yard inside the building. There was some empty barrels inside the fence, right at the fence at the entrance. I was watching the movement to see if they were doing it exactly the way I told them to do it.

BY THE CHAIRMAN:

Q Where is the fence, along the west boundary of Parthenais Street?

A Along the street, Parthenais Street.

Q Along the west boundary?

A On the east side.

Q But the Dominion Oilcloth building and your

tracks are on the west side of Parthenais Street?

A Yes sir.

Q Is the fence you speak of along the west boundary of Parthenais Street?

A Yes, on the west side.

Q You were west of the fence?

A West of the fence.

BY MR. LEWIS:

Q You were west of the fence?

A Yes sir.

Q I just want to make sure I know where you were standing because either I am confused or someone else may be. That would be between the pass under Notre Dame Street and very close to the Dominion Oilcloth building, just where you marked it?

THE CHAIRMAN: Yes, we have that point.

BY MR. LEWIS:

Q On the west side of the fence?

A The west side of the fence -- east.

Q Where were you standing, inside or outside the fence?

A I was outside the fence, near the fence, outside the fence.

Q Then you were on the east side of the fence?

A Yes, that is right.

BY THE CHAIRMAN:

Q You were on the street?

A Yes, I was on the street near the door entrance, the east side of the fence.

Q And the fence was between you and the door entrance?

A Yes sir.

Q So that you were not on Dominion Oilcloth property but on the street?

A I really was on the street, on the sidewalk near the fence.

Q Outside the fence?

A Exactly.

THE CHAIRMAN: Then we will move the spot we had. My colleague points out that we had better change the mark on the plan. You say ~~on the~~ street, not on the Dominion Oilcloth property.

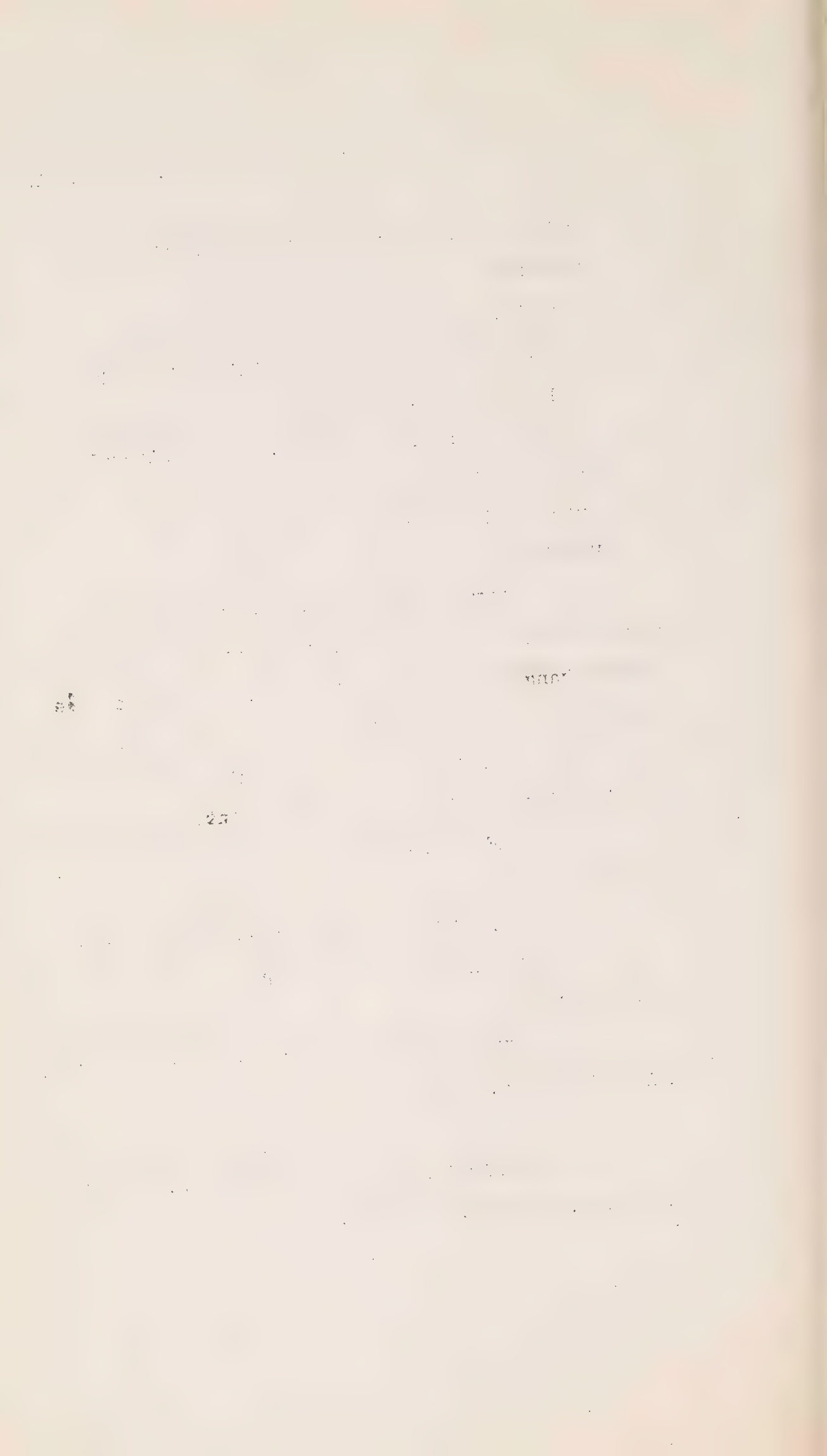
MR. SINCLAIR: He is building up a man standing there. All we want is a point.

THE CHAIRMAN: He was on the street, was he?

MR. LEWIS: He has himself placed now east of the line near the letter "P" east of the westerly line.

THE CHAIRMAN: That is the westerly line, inside the fence, presumably.

--- The Commission adjourned at 4.15 p.m. until 10.30 a.m., Tuesday, March 19, 1957.



ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY

12

PROCEEDINGS



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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Tuesday, March
19, 1957

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.C.	Representing the
C.J.A. Hughes, Q.C.	Commission
I.D. Sinclair,	Representing the
John Pearson,	Canadian Pacific
	Railway Company
David Lewis, Q.C.	Representing the
	Brotherhood of
	Locomotive Firemen
	and Enginemen

12TH DAY

MORNING SESSION

Tuesday,

March 19, 1957.

--- The Commission opened at 10.30 a.m.

ADRIEN LEFRANCOIS, Recalled

EXAMINED BY MR. LEWIS:

Q Mr. Lefrancois, are you still of the opinion that you stood at Parthenais Street east of the Dominion Oilcloth and Linoleum Company?

A Yes.

Q Switching at Dominion Oilcloth and Linoleum is also done by the afternoon shift, is it not?

A Yes. There is a crew on in the afternoon too. I don't know if they are going every afternoon in the siding, but there is a crew in the afternoon.

Q Did you instruct that crew as to how to do the switching?

A We instructed the yard master to advise the crew to do the switching exactly the same way as we told the other crew.

Q Did you go down to speak to that crew?

A No, I didn't.

Q When did you instruct the yardmaster?

A Oh, I would say about exactly the same day that we made that test with the day crew.

Q Have you had occasion to try to remind these people to do it that way more recently?

A No, not lately.

Q I have finally understood your description given yesterday and we are agreed that four and a half cars, as it were, which headed the movement, went into the building without anybody

being inside the building at the time that they went into the building, that is right, is it not?

A Four and a half cars; I think I made a mistake on that four and a half cars yesterday. I should say three and a half cars instead of four and a half. That is where I made my mistake. We didn't have five cars. I said four, it is three and a half cars.

Q You had four cars?

A Instead of five; that is my mistake.

Q And where would -- we have established that the three and a half cars -- with your correction now -- were shoved into the building of Dominion Oilcloth.

A Or a little less than three and a half, but about that.

Q That they were shoved into the building without anyone being at the point of the movement; that is right?

A That is right.

Q Mr. Lefrancois, I would like you to turn if you will to Exhibit 27, the Uniform Code of Rules. Rule 103 at page 58, have you that?

A Yes.

Q That reads:

"When cars are pushed by an engine --"

That is what you were doing in that operation at Dominion Oilcloth, that is right?

A Yes.

Q Just leave what is in the brackets for the moment. The rule continues:

"When cars are pushed by an engine a member of the crew must be on the leading car and in a position from which signals necessary to the movement can be properly given."

A Yes, that is right.

Q Before I ask you to comment on that and just for the record, what is within the brackets would not apply to that movement, would it?

A In certain locations --

Q Am I right? You can make any comment you like. Would you just read the words within those brackets and tell me whether you agree with me that nothing which sets out the exception would apply to the movement we are concerned with at Dominion Oilcloth?

A No, there is nothing in those brackets; that is right.

Q Pardon?

A You are right. There is nothing involved in those brackets.

Q Am I not right in suggesting to you that in doing the movement as you suggested you wanted the men to do it you were violating Rule 103?

A Yes, to a certain extent, but the yard foreman in advance went and advised, warned everybody, and he was standing on the west side of the

building watching everything and everybody was advised. I believe it was a safe practice.

Q He was watching everything, but he could not see inside the building from where he was standing?

A He went inside the building and warned the employees of Dominion Oilcloth, as they do every morning, that he was coming with cars. So I think it is a safe practice.

Q In other words, am I summarizing you correctly, do you agree with me that it is in terms a violation of Rule 103?

A It is not anything --

THE CHAIRMAN: Mr. Lefrancois, just wait until the question is put, please.

BY MR. LEWIS:

Q I ask you if you agree with me that in terms your movement was a violation of Rule 103, but you say in your opinion it was still a safe practice; is that fair?

A That is fair.

Q That is a fair summary?

A You are right, that is o.k.

Q Do you happen to have a booklet containing interpretations of rules and answers to questions issued by the Railway Association Committee on Operating Rules?

A I have not it with me.

THE CHAIRMAN: That looks like one we have had already.

MR. LEWIS: No, I do not think so, unless I am very much mistaken.

THE CHAIRMAN: What is it called?

MR. LEWIS: It is called "Questions submitted to the Railway Association Committee on Operating Rules".

THE CHAIRMAN: Is there a date on it?

MR. LEWIS: Well, it is a loose-leaf binder as far as I can gather and the questions and answers given by the committee are on different dates. This was issued June, 1954.

THE CHAIRMAN: Are there extra copies available, Mr. Sinclair?

MR. SINCLAIR: I can get them, sir.

THE CHAIRMAN: What is the date?

MR. LEWIS: Issued June, 1954. There is a notation on the fly leaf:

"Additional pages will be prepared as conditions require and should be inserted in the proper position as received."

That is apparently what happened.

HON. MR. McLAURIN: Where does this originate? Is it a management book?

MR. LEWIS: It is the Rules Committee of the Railway Association, a joint committee, I understand.

THE CHAIRMAN: The Railway Association is made up of whom?

MR. LEWIS: I do not know the exact set-up. It is the Rules Committee of the Railway Association.

THE CHAIRMAN: The Railway Association is made up of the railways of Canada?

MR. LEWIS: So I understand. My friend will correct me if I am wrong, but I understand it is considered the authority on the interpretation of the application of operating rules, with the emphasis on "the".

THE CHAIRMAN: Your friend declines to answer. We will take it for what it says.

MR. SINCLAIR: It is an official document, that is what it is.

BY MR. LEWIS:

Q There is in regard to Rule 103 in this booklet this question and answer, dated December 11, 1953:

"Q. Is it necessary that member of the crew be on the leading car on property of the railway where there are no public road crossings at grade?

A. Yes."

I suggest to you, Mr. Lefrancois, that if it is necessary to have a member of the crew on the leading car on property of the railway even when there is no public crossing, surely

it is intended, is it not, by the rule, that there be a member on the leading car of a movement being pushed on to private property as provided by Rule 103, that is when you are on the private property of some other person?

A Yes, but in that case there was no chance to be on the leading car because there was no clearance except walking on top.

Q When the words "on the leading car" are used, if you stand right beside the end of the leading car that would be the same thing?

A Exactly the same thing.

Q There is clearance on the east side of the platform inside the building?

A Yes sir.

Q So that you could make an observation by following what had been done before, namely passing signals on the east side through the fireman?

A You are right; that is o.k.

Q Pardon?

A That is perfectly all right. On the platform he was on the leading side.

THE CHAIRMAN: I think we will have to see this place, as just looking at the plan it does not indicate just what you are asking the witness, but apparently that is the fact. It does not indicate that that outside platform carries right into the building and that the opening into the building includes the width of that platform. We will see that.

MR. LEWIS: I think it is so. I might ask the witness. I thought he had made it clear.

THE CHAIRMAN: I think he has, but I do not think the diagram shows that.

MR. LEWIS: That is right.

BY MR. LEWIS:

Q Mr. Lefrancois, is it not so that the platform inside projects outside?

A Outside.

Q And you can see right through?

A Right through.

Q I would also like to draw your attention to Rule 93, the second paragraph, at page 51.

A Yes sir.

Q This paragraph, which has already been drawn to the attention of the Commission in reference to other matters, reads:

"Third class, fourth class,
extra trains and engines --"

May I interrupt there to say that the train we were concerned with in that case of the Dominion Oilcloth would fall under one of those categories, would it not?

A I would not say that; I don't agree with you.

Q What is that?

A (Reads:)

"Third class, fourth class,
extra trains and engines must move
within yard limits at yard speed

"unless the main track is known to be clear."

I do not see any rule placing that in an industrial siding.

THE CHAIRMAN: You were not asked that, you were asked whether or not this particular make-up of cars and engine would be considered a third class, fourth class, extra train or engine. Does it come within that language? Is that not the question?

MR. LEWIS: That is right.

THE WITNESS: That paragraph does not include yard engines.

A-2

BY THE CHAIRMAN:

Q It does not include yard engines?

A Yard engines.

Q Pushing cars?

A No sir.

BY MR. LEWIS:

Q What kind of train was it, third class or fourth class?

A It is a yard engine.

Q A yard train?

A A yard engine.

Q A yard engine, but what about the train of cars and the engine together?

A It is an engine switching in an industrial siding along the Hochelaga yard. It is a yard engine.

Q Mr. Lefrancois, I appreciate it is a yard

engine but I am asking you whether having four cars attached to the engine and travelling through the terminal, whatever it was -- Place Viger, was it?

A From Hochelaga to Place Viger.

Q From Hochelaga to Place Viger, whether having four cars attached to the engine did not make it into a train?

A It is not a train, it is considered a yard engine travelling between yards in the Montreal terminals, and all the Montreal terminals are considered as within yard limits. So he is a yard engine. When he leaves Hochelaga he has no van behind, he has only a few cars. He is in an industrial siding.

Q Therefore your suggestion is that it is a yard train and not a train outside yard limits and you are saying that the second paragraph of 33 applies to road trains?

A Yes.

Q Is that roughly it?

A It is not a yard train. It is a yard engine because we do not consider it a train because he has not got any markers on the rear and he has no caboose. It is a yard engine and we are doing some switching in an industrial siding.

MR. SINCLAIR: I think the Commission should be informed that "train" is defined both under these rules and also in the law, I think. The definition is on page six of Exhibit 27 and it supports completely what the witness has just said.

BY MR. LEWIS:

Q You are saying that the characteristic of a train as indicated on page 6 would be that it displays markers. Is that it?

A Yes sir -- "an engine or more than one engine coupled, with or without cars, displaying markers."

BY THE CHAIRMAN:

Q What are markers?

A That is the light we attach on the rear of the van. It is a red indication. We have them in daytime and night time except at night they

are lit.

BY MR. LEWIS:

Q I will draw your attention then to rule 105 on page 64.

MR. SINCLAIR: Just to complete this, Mr. Chairman, if you will look at page 29 of Exhibit 27, markers are shown, pages 29, 30 and 31. That shows what markers are.

THE CHAIRMAN: Yes. What was the rule?

MR. LEWIS: Rule 105 at page 64.

"Unless otherwise provided, trains or engines using other than a main track must proceed at yard speed."

BY MR. LEWIS:

Q Would that apply to the movement we are concerned with?

A Yes sir, yard speed.

Q And "yard speed", Mr. Lefrancois, is defined at page 9, is it not, the last definition? It says:

"A speed that will permit stopping within one-half the range of vision."

A That is right. That is yard speed.

Q Will you tell me, Mr. Lefrancois, how the engineer running the train at Dominion Oilcloth or the engine, as you call it, at Dominion Oilcloth could possibly stop within one-half of the range of vision since the leading point of the movement could not be seen by anyone?

A As I mentioned before, the movement was protected in advance by the yard foreman and I figured that

it was a safe practice to push those cars into that siding.

Q But would you agree with me that under the yard speed definition and the provisions of rule 105 your proposition ^{to} /the employees on that train violated those rules, did it not?

A I will not say that. I do not agree with you.

Q Why not?

A Because the yard foreman prepared the whole thing in advance and he is there and there is nothing in his way. He is just shoving about $3\frac{1}{2}$ or 3 cars in on the siding and I figured that the movement was well protected.

Q I understand that, Mr. Lefrancois. Let me repeat my question. The rules provide that you have to go at yard speed so that you can stop within half the distance of your vision. Am I not right in suggesting to you.. that since nobody saw the leading end of that movement you could not possibly stop within half the vision? You had no vision and therefore you violated this rule?

THE CHAIRMAN: You do not mean that nobody saw the leading end of the movement but that nobody was at the leading end of the movement to see.

BY MR. LEWIS:

Q Nobody was at the leading end of that movement to see and therefore could not see it and therefore you violated that rule, did you not?

Y u say it is a safe practice, Mr. Lefrancois, and I am not quarrelling with that at the moment but you violated this rule as well, did you not?

A All right, I will agree with that. We violated the rule but we had prepared the movement in advance. There was nobody on the leading end --

THE CHAIRMAN: You have said that a number of times.

BY MR. LEWIS:

Q And again you need not have violated this rule either if the old practice of giving signals from the platform to the fireman had been continued?

A No, all the ground crew were on the left side of the movement.

Q Pardon?

A We could exchange signals as well on the other side with the yardman in the cab relaying signals to the engineer if we want to go that far, with the three men on the platform instead of taking the signal from the fireman.

Q If you did it on the east side?

A On the east side.

Q Why did you not do it that way?

A Because I thought it was safe enough by the way we were arranging the movement in advance to push in there in that siding.

BY THE CHAIRMAN:

Q May I ask a question? Why could you not have

had the yard foreman either at the front end of the leading car or accompanying the train as it approached the building and then on the platform outside and then inside the building as the leading car approached, and have your field man on the left side either on the ground or on the train farther back closer to the engine and your engine follower on the deck of the engine on the left-hand side to receive signals and pass them to the fireman on the right-hand side -- to the engineman on the right-hand side? Why was that not possible?

A That move could be done all right but I did not do it that way because I thought it was a safe practice --

Q I just asked you if that was possible?

A It could be done that way.

BY MR. LEWIS:

Q In other words, if I understood the chairman correctly, and did you understand him the same way, you would put one of the ground crew in the same place that the fireman is now --

THE CHAIRMAN: No, on the outside deck.

MR. LEWIS: On the outside deck.

THE CHAIRMAN: In front of where the fireman sits but outside on the deck.

BY MR. LEWIS:

Q Suppose you did that; suppose you put one of the yardmen on the outside, on the little platform

outside of the cab on the same side as the fireman is. Would the engineer be able to see his signals?

A On the deck, yes sir.

Q Even if he was near the left-hand part of that platform, near the left-hand edge of the platform?

A Not too much to the left but as long as he was standing on the deck he could see him.

THE CHAIRMAN: If you look at the exhibit and the cab end of that yard switcher it would seem to be feasible.

MR. LEWIS: Mr. Chairman, I am instructed, and it may be necessary to demonstrate it, that it is not feasible for the engineer to see that signal. I will indicate it by reference to something else in a moment.

THE CHAIRMAN: As I say, we will have to see this but that just came to my mind and I wanted to ask about it. Proceed, Mr. Lewis.

BY MR. LEWIS:

Q There are steps going up to this platform on the fireman's side as well as on the engineer's side? Is that not right?

A Yes.

Q Have you ever taken the occasion to see how many inches in from the side of the cab the beginning of the platform is?

A No, I never measured it, sir. I could not tell you exactly.

MR. LEWIS: It is Exhibit 35 A, Mr.

Chairman, if you are looking for the photograph.

THE CHAIRMAN: Thank you.

BY MR. LEWIS:

Q I am sorry, I did not hear you. I said there are steps to this outside platform, are there not?

A There are steps on both sides.

Q Let us talk about the fireman's side. I am instructed it is exactly the same thing on both sides. There are three steps, are there not, up to the platform?

A Three steps -- there are two or three. You have got me. I cannot say.

THE CHAIRMAN: Speak up, please.

THE WITNESS: I have not got the exhibit with me here.

BY MR. LEWIS:

Q Well, I am showing the witness Exhibit 35 because 35 A does not show the steps. Exhibit 35 does not show the cab steps very clearly, but would it be the same as the front, do you know? There are three steps and then the platform on the front of the engine?

A That is the front.

Q Do you know whether it would be or would not be the same at the back?

A That is a 7000 class of engine and ^{the} one we are using is a 6500 class of engine. It is not the same type.

Q Would that make a difference as to the number of steps? You don't know?

A I don't know.

Q Suppose I suggest to you that the edge of that platform is about 28 inches in from the side of the cab because of the steps leading up to the platform? Would that be about right, a couple of feet?

A It may be a foot and a half or something like that. It may be 18 inches.

Q You do not think it is more than 18 inches?

A I do not think so.

Q You do not think so?

A No.

Q Now then, in front of the cab are the boxcars in this case? Right?

A Yes, sir.

Q How does the width of the boxcar compare to the width of the platform on which this yardman would stand? Do you know?

A Repeat again, sir.

Q How does the width of the boxcar which is up against that platform compare with the width of the platform on which this yardman would stand? Do you know?

A The width -- all what I can tell you is when the man is on the step and there is one on the platform opposite to him he can see regardless if it is a wide boxcar or a narrow boxcar.

Q He can see whom?

A He can see the other man on the platform.

Q Who can see?

A The other yardman, the field man.

Q What the chairman suggested to you was that the yard foreman would be inside the building on the platform on the east side. Correct me, sir, if I am wrong.

THE CHAIRMAN: That is after the car has got inside.

MR. LEWIS: I thought your question was that they had moved the cars inside that way with the foreman at the leading end of the movement.

THE CHAIRMAN: My first suggestion was that the foreman should ride right at the front of the leading car until he wanted to get on the platform. Then he could have got on the platform. Then the field man could have been farther back -- I said half-way back -- along the cars. It occurs to me that as it is pretty straight there he could have been right back at the back end of the last boxcar right next to the engine where he could easily have signalled to the man standing on the deck even if he was inside the width of the boxcar, so to speak.

BY MR. LEWIS:

Q Could the yardman see the signals of the yard foreman inside the building if he were not on the outside platform?

A Oh yes.

Q If he was farther away from the platform?

A If the foreman was on the platform not too far away the yardman on the ground could see

him all right.

Q What do you mean by not too far away?

A A certain distance, if he walked from the platform a certain distance so he disappeared from the man on the ground because it takes the other man on the platform to see, to have a clear vision.

Q Am I not right that in order to have really clear signals when the yard foreman is inside the building the second man should be on the outside platform?

A Yes, the move that I was talking about, the move that Mr. Chairman made, before we push in the siding the yard foreman will be on the platform at the leading end and the other man will be in a certain position alongside the movement of the engine and the other man on the deck to relay signals to the engineman. That move could be done for a certain distance and after that the field man would get on the platform when the engine approached the platform because the field man has a clear view of the yard foreman on the platform at that point at a certain distance.

Q But that is not the way you did it?

A No, that is not the way I did it.

Q You would have the men move along on the east side?

A Yes.

Q I think I asked you yesterday and you told me

that the engineer objected that he could not see the signals?

A He put up an objection because he was stretched to watch the signals on the right side and I told him to take a position straight on his seat and he would have a chance to see the man on the deck of the engine.

Q Will you please turn to page 18, Rule 12 of Exhibit 27. Will you please tell the Commission how the engineman could possibly see and interpret at an instant the stop signal shown as the prescribed signal for stopping the train, on page 18 under Rule 12.

THE CHAIRMAN: Would you mind repeating that question?

MR. LEWIS: I am asking the witness to tell me how the engineman could possibly see and interpret correctly the stop signal shown in the first figure on page 18.

THE CHAIRMAN: Given by whom?

MR. LEWIS: Given by this man standing on the back platform, the yardman standing with his back to the engineman.

HON. MR. McLAURIN: The engine follower.

MR. LEWIS: Standing on the back platform, which is what is suggested, and his back is to the engineman, and he is watching the front of the movement and the signals coming from ahead.

BY MR. LEWIS:

Q I would like the witness to tell the Commission how the engineman could recognize and interpret correctly that stop signal shown as the first figure on page 18.

A That signal on page 18, the hand signal, is with a hand lamp and on the deck of the engine --

BY THE CHAIRMAN:

Q In the daytime it is given by hand?

A By hand. This signal that he relays to the engineer is relayed very very slow and a small signal, and when they want to stop just do that (indicating) and the engineer understands him because they use all these signals because it is a slow movement, and all the signals are very slow.

Q The question is how would the engineer see that particular signal from the man standing on the deck of the engine, having regard to --

A Because it is glass -- it is a window; the cab of the engine is wide open, you can see easy on both sides of the cab.

Q The suggestion is, Mr. Lefrancois, if you do not mind me -- that by reason of the construction of the front of the cab, the window does not go down far enough, as I follow the question, to enable the engineman inside to see a signal which is an arm wave below the waist?

A He is high enough to exchange signals and the engineer can see him.

Q He can see him enough from the shoulder down?

A Yes.

BY MR. LEWIS:

Q He could see the movement of the arm in front of the engine --

A He raises the hand, has to keep the hand up, raises his hand to give the signal.

Q I would like to try to understand what you are suggesting. Am I right in saying that you suggest that the stop signal would not have to be given in the way it is illustrated on page 18 but in some other equally effective way. That is what you are saying, is it not?

A This is the right way to give him; we do not give them in a defective way.

Q I said "effective", in a good way.

A Those signals --

Q You are saying that he does not necessarily have to give the signal with his arm waving in front of him, but that there is another equally effective way of giving a stop signal?

A Yes, sir.

Q What would that be?

A When he is on the cab of the engine, on the deck, if he wants to back up he just raises his hand like that and gives him a slow --

Q He makes a circular signal?

A Yes.

Q Yes?

A If he wants to stop he just waves his hand, and the engineman, he knows these signals, and he stops.

Q You mean the enginemen know these signals have to be used here at this time, but the other way is the way the stop signal has to be given in the yard?

A When we are placing cars in the industries at

low speed under some conditions have not got a chance to give a long signal and they always use the short signal. The engineman understands it very well.

Q That is the way you overcame that?

A Yes.

Q In spite of that the engineer objected to you that he could not see it?

A Because he was not in the right position to look on that side.

BY THE CHAIRMAN:

Q If the fireman received the signal how would he communicate with the engineer?

A Just transfer them verbally to the engineman.

Q He would not signal at all?

A Transfer verbally to him.

BY MR. LEWIS:

Q Just say "stop" to stop the movement?

A Yes.

Q Or "block her" or whatever term you use.

I understand one of the common terms is to say "block her."

THE CHAIRMAN: We are gradually getting educated.

MR. LEWIS: I was going to say, do not rely on me for education in railway terminology. I understand that is one of the terms used.

BY MR. LEWIS:

Q Now, Mr. Lefrancois, you said yesterday that you had one man riding on the first car behind

the engine and another man riding on the fourth car behind the engine -- would that be right -- into the Dominion Linoleum yard?

A No sir.

THE CHAIRMAN: In front of the engine.

MR. LEWIS: In front of the engine, yes.

THE CHAIRMAN: You said "behind".

THE WITNESS: No, sir.

BY MR. LEWIS:

Q I beg your pardon?

A No.

Q I did not make myself clear. There is a gate, is there not, some distance away from the building?

A Yes, some distance south. There is an opening right there; there is a gate. The gate is always open when doing these moves.

Q There is this gate, is there not?

A Yes.

Q Then there is some distance before the gate to the building proper; right?

A Yes, that is right.

Q Do the men ride the cars when they go past that gate?

A Yes, past that gate.

Q And riding the cars?

A Yes.

Q That is what I thought had happened. Is there not a sign on a post right at the switch shown

in Exhibit 57, just past the switch, I should say? I am asking, is there not a sign on a post past the switch going north toward the building, a company sign, a railway sign, on which are the words "Employees must not ride the tops or sides of cars"? Is there not such a sign?

A Yes, there is a sign there, certainly, and we are having some sign in front of the location.

BY THE CHAIRMAN:

Q Mr. Lefrancois, you are asked about that particular sign.

A There is a sign.

Q Just listen to the question. If you do not understand it ask to have it explained to you. If you understand it, answer it, and when you answer it, stop.

A O.k., sir.

BY MR. LEWIS:

Q There is that sign?

A Yes.

Q Do you have employees riding the sides of the cars and the tops of the cars in spite of that sign?

A That sign is placed there for the building; therefore the employees cannot pass that sign. It is only a warning to them not to get into the building because where the sign is there is a little distance from the sign to that building.

Q You say the sign is intended just for the building?

A For the employees.

HON. MR. McLAURIN: He has not said "yes" or "no".

BY MR. LEWIS:

Q Do the employees ride the sides and tops of cars?

A They do not ride the tops of cars at that location.

Q At the Dominion Oilcloth?

A No, sir.

Q But they ride on the sides of the cars?

A Yes, sir.

Q What you are suggesting is that sign is not intended to become effective until they are in the building?

A Yes, sir.

Q Where the sign is they are not to do anything about it?

A No, sir.

Q You say they do not ride the tops of cars going into the Dominion Oilcloth. Will you look at Exhibit 57 again, Mr. Lefrancois, please. I notice toward the south half of the plan there is the Quebec Liquor Commission?

A Yes, sir.

Q Do you see that?

A Yes.

Q Toward the left, and this plan does not show

it, Mr. Lefrancois, but there are tracks that go off the same lead going into the Quebec Liquor Commission, are there not, in fact?

A Not the same lead as the Dominion Oilcloth.

Q Where do they come from?

A They come from, at the switch of Dominion Oilcloth we just turn that switch and take another lead.

Q Take another track?

A Take another track which goes to a diamond there between the Canadian Bronze and the Carter White Lead, and the cars for the Quebec Liquor Commission, that track is connected up to that lead and not to the lead to the Dominion Oilcloth.

Q Let me explain so we do not get crossed up in what we are saying. I was probably wrong. I was thinking of the lead from Place Viger to that switch and to the other tracks on to the sidings going off into the various industries. What you are saying is where the switch is, at the east side of that red line where the switch is shown you have a track going into Dominion Oilcloth, and then you have another siding going to Canadian Bronze and to Carter White Lead Company, and from that the siding branches off into the Quebec Liquor Commission. Is that right?

A That is right.

Q Do you know whether the employees taking the

cars into the Quebec Liquor Commission property
ride the tops of cars?

A I can't say, I do not know.

Q Have you investigated how that switching is
done at the Quebec Liquor Commission?

A Done by the same crew.

Q I beg your pardon?

A By the same engine.

Q Have you not heard that they do it by passing
the signals through the fireman because of
the restricted clearance on the engineer's
side?

A I never heard anything said.

Q You have not heard anything about that?

A No, sir.

Q Let me take you on the same plan, Exhibit 57,
to Canadian Bronze. There is a curve there,
is there not, toward the west, which would be
toward the left?

A Yes.

Q And that is on the engineer's side in this case
because the cab of the engine is pushing the
cars?

A Yes, sir.

Q So that the signals there are passed through
the engineer?

A Yes, sir.

Q You will notice, Mr. Lefrancois, right in the
middle, more or less, from east to west of that
plan there are the words "End of pavement" and

"Passage in common" and "Paved area". Do you see that?

A Yes, sir.

Q That is a paved area, is it not -- have you inspected it -- between the Carter White Lead, the Canadian Bronze and the Dominion Oilcloth building?

A Yes, sir, that is pavement there.

Q And that pavement is there, is it not, Mr. LeFrancois, for the movement of motor vehicles?

A Yes, there is some motors.

Q And there are people crossing that passage from one building to another, employees of private companies, are there not?

A Yes, the traffic is not so -- yes, there is some, sometimes.

Q And there are the usual barrels and stuff of that sort lying around that pavement that you find around industry?

A That is right.

Q Will you tell me, Mr. LeFrancois, is it your suggestion to this Commission that when your engine and cars moved into that siding between Canadian Bronze and by the Carter White Lead and along south to the Quebec Liquor Commission that it is safe for the crew to lead that train without anyone observing the right side, the north side, where this paved area is?

A We have the crew on the ground and they are observing on both sides.

Q How can they do that?

A Because they have three men on the engine and they are handling at the time about one or two cars when they are going in that siding and they are looking in both directions.

Q Well, let me take you through that for a moment, Mr. Lefrancois. You say they are handling only one or two cars?

A Yes, sir.

Q Am I wrong in suggesting to you that you have a large tank car, say, which goes into the Canadian Bronze in addition to a couple of cars?

A A large?

Q Tank car.

A Yes.

Q That goes to Canadian Bronze in addition to one or two or more cars?

A They do not place more than two or three cars in the sidings, especially Canadian Bronze.

Q At Canadian Bronze?

A Yes.

Q But would they not at the same time also push the cars that are destined for the Quebec Liquor Commission?

A That is a reverse movement.

A .Lefrancois

Q But it would be on the same train, would it not?

A Yes, sometimes on the same train.

Q Yes, and if they had any cars to push to Carter's White Lead Company they would be on the same train, wouldn't they?

A Sometimes, yes.

Q So that at times when they had loads for all of these places there may be four, five or six cars on that train, is that not right?

A Not that much because the engine could not go up the hill with that amount of cars -- as many as six cars -- because it is a grade.

Q And would it be three or four cars?

A Yes, I would say so, yes.

Q And you have informed the Commission or at least you have agreed with me, that the signals are given on the engineer's side. Does that not mean that the ground crew would be stationed on the south side of that track?

A Yes, on the south side; that is right.

Q How can they see through the engines and through the cars on the north side of the track which is the paved area?

A Before making any movement they check both sides and when the engine starts to move and push the cars if any traffic comes along they have to stop.

Q Who has to stop?

A Pedestrians or automobiles because the engine is moving on these tracks.

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Q So your point again is that once the movement has started it is up to the people coming into the yard, whether in a vehicle or on foot to watch out for this train?

A Yes sir.

Q So your responsibility then, / ^{is then finished} once you have made sure the paved area is clear, is that what you are saying?

MR. SINCLAIR: Let him finish, would you, Mr. Lewis?

MR. LEWIS: I am.

MR. SINCLAIR: Just a minute, you do not need to shout at me.

THE CHAIRMAN: If the question is clear to the witness he can answer it.

THE WITNESS: Our responsibility --

THE CHAIRMAN: Please wait a moment, Mr. Lefrancois, we have had an interruption. I will ask the reporter to read the question.

MR. SINCLAIR: My friend cut him off on the question.

MR. LEWIS: I did not.

THE CHAIRMAN: Never mind, gentlemen, I have asked the reporter to read the question back.

-- Whereupon the reporter read back the following questions: "Q. So your point is again that once the movement has started it is up to the people coming into the yard, whether in a vehicle or on foot, to watch out for the train?

A. Yes sir.

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Q. So your responsibility is then finished once you have made sure the paved area is clear, is that what you are saying?"

THE CHAIRMAN: Is there any objection/^{to} that question?

MR. SINCLAIR: No, he started to answer but my friend started to ask another question.

BY THE CHAIRMAN:

Q Do you understand the question that has been read?

A Yes. Our responsibility is finished to a certain extent, because they can see the movement of that engine and they have to stop.

Q Could I just ask you if when a movement begins there is in accordance with the rule that was put to you earlier someone at the front end of the movement?

A There is a man at the front end of the movement.

Q That is my question.

A Yes.

BY MR. LEWIS: Where?

A When they are pushing the cars into the siding there is always a man at the front end of the movement.

Q But where at the front end of the movement?

A Along the Canadian Bronze and the Carter's White Lead.

Q Perhaps I did not make myself clear. Where does he stand in relation to the front end of the

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movement which is the end of the first car pushing in?

A He stands on the leading car if there is one car.

Q But where?

A On the engine side.

Q On the side of the car?

A Yes.

Q It is prohibited, is it not, for the yardman to stand on any footboard that is ahead of the car?

A We do not call them footboards. That is not a footboard. It is a step.

Q He is not permitted to stand on any step which is on the front of that car as the movement goes on, is that not right?

A Not the front, no. He is not supposed to stand in front of the movement.

Q What you are saying is that the yardman stands on what would be called a ladder?

A He would be on the ladder or on the ground walking ahead.

Q Yes, he would be either on the ladder or on the ground walking ahead of the movement?

A Yes.

BY THE CHAIRMAN:

Q How far back from the leading edge end of the car is the ladder to which reference has just been made? Where is the ladder on the side -- how far back?

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A Oh, right near the corner of the car. There is two ladders, one on the side and one at the corner.

BY MR. LEWIS:

Q Would it be about six inches away?

A It is right in the corner. I never measured that distance.

Q It is just a few inches from the corner?

A Yes.

Q Perhaps you will be glad to hear, Mr. Lefrancois and Commission, that I am through with Exhibit 57 for the time being.

THE CHAIRMAN: There is no threat in those last few words?

MR. LEWIS: No, just legal caution.

BY MR. LEWIS:

Q We had a discussion, yesterday, Mr. Lefrancois about the red and white lanterns which are kept on the engine and as I recall it you informed the Commission there is always a red lantern but not always a white lantern, is that right?

A Yes sir.

Q Do you not know the general order of the Board of Transport Commissioners for Canada, No.775, issued on the 27th day of February, 1952, which reads as follows:

"The Board doth order and direct (1) that engines of every railway company subject to the legislative authority of the parliament of Canada while in either yard or road service

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be equipped with a full set of flagging signals to include a red flag on a staff, a red light, a white light, torpedoes and f sees, such equipment to be maintained in good order and to be always available and ready for immediate use".

Did you not know of the existence of this order of the Board of Transport Commissioners?

A Yes, I know that.

Q Pardon?

A I know of it.

Q Therefore your engines are required to have a red lantern as well as a white lantern, is that not so?

A Yes sir, but in some cases when they are short of the white lanterns one of our yardmen always carries a white lantern so we do not make any objection when they are short of white lanterns.

Q Now, Mr. Lefrancois, I would like you to turn your attention to Exhibit 63 which was your observations of final inspection.

I would like to know -- do you have that?

A Yes sir.

Q I would like to know where you were standing when you were making these observations?

A I was standing near the engine, not very far from the engine.

Q Pardon?

A Not very far from the engine.

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Q Just how far from the engine?

A On No.7095, I was about 50 feet from the engine.
I was even talking to the fireman.

THE CHAIRMAN: 7095 is the engine.

BY MR. LEWIS:

Q You were standing about 50 feet away in the
case of engine 7095?

A Yes, and in that case I was talking to the
fireman.

Q What about engine No.7039?

A The diesel? I was near the hump, and the
engine was on the hump track. I was standing
near that one and the other engine was on the
next track.

Q Which other one are you talking about?

A Engine No.7038.

Q The reason I am asking you that, Mr.Lefrancois
is that I noticed last night that in either the
case the fireman was there two minutes --
in the first case -- between the locomotive
stopping and the fireman stepping off the
locomotive; four minutes in the second case
and three minutes in the third case.

A Yes.

Q Now, are you sure the firemen did not use
those intervals of time, of two, four and
three minutes respectively to do something on
the engine?

A I did not see him do anything, that is the
reason why I cannot say he was not doing

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anything. Sometimes when he was leaving the engine his relief was around and that is the reason why he was leaving the engine -- that is why he was going.

Q Am I right --

A I did not see --

Q I am sorry, where you going to say something else?

A No, I did not see the fireman doing anything on the engine at the final time.

Q Am I right in saying that your comment "none" on that exhibit means that as far as you could see the firemen did not do anything?

A Yes sir.

Q But would you be certain that he might not have done something which you did not see?

A I am certain he did not do anything.

Q You watched him for the entire period of two, four or three minutes? Is that your statement?

A Yes, I am certain he was doing nothing. I am certain there was nothing done.

Q Then what were they doing? What was the man doing? What was the fireman on engine 7095 doing for the period of two minutes between the time the locomotive arrived and the time he stepped off the locomotive?

A He was probably dressing, putting his coat on.

Q In the engine?

A Yes, on the engine, and in some other cases --

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THE CHAIRMAN: Well, Mr. Lefrancois, you wd were just asked about this one case.

THE WITNESS: All right, he was just putting his coat on -- he was just getting ready to go home.

BY MR. LEWIS:

Q That accounted for the two minutes?

A Yes sir.

Q What about the next one, 7039? There is a period of four minutes.. What was the fireman doing during the four minutes?

A He was on the engine and he was talking to the engineman. The engineman was on the engine, too, and I saw them talking together.

Q Have you any idea what they were talking about?

A I could not guess because I was not close enough to hear the conversation.

Q Is it possible the fireman and the engineer were exchanging something with regard to the engine?

A Maybe, I cannot say because I was not there to listen. I was too far away to listen.

Maybe, I do not know.

Q You are saying you watched them for the full four minutes and they just stood and talked to each other for the period of four minutes?

A Yes sir.

Q What happened in the case of engine 7038 for the three minutes that the fireman was on the engine?

A Engine 7038 -- the same reason. They stopped

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right in front of the hump office and were talking together and the relief crew arrived so after they were relieved they went.

Q Thank you. Then, during your evidence, Mr. Lefrancois, you stated that the amount of coal used on a switching hand-fired steam engine would be between four and five tons?

A Yes sir.

Q In the Montreal terminal?

A Yes sir.

Q Would that be right?

A Yes, that is what I figured.

Q Pardon?

A That is what I figured they used, four or five tons.

Q How did you reach that conclusion?

A I am not sure of that.

Q What made you reach that conclusion?

A Because the tender on an engine a few years ago when we were using steam -- the yard engines -- we were putting in an average of 12, 13 or 14 tons and we were getting coal every 24 hours at that time so I figured it would work out between four and five tons which were used in eight hours.

Q I did not quite understand your answer, I am sorry, Mr. Lefrancois. You were telling me how you arrived at the conclusion?

A When we used steam engines we were getting

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coal I would say every 24 hours and the tender was holding 13, 14 or 15 tons of coal.

Q But you said 12, 13 or 14 tons before?

A All right, if that is what I said.

Q I am not attempting to put words in your mouth but I am interested in hearing your evidence.

I am just interested in what you are saying.

A Every eight hours I figured they were using about four or five tons.

Q That is your estimate from some years back?

A Some years back.

Q You have never made any study of it?

A No, I never made any study of it.

Q You said also that on transfers they would use eight, nine, or ten tons?

A Yes, because transfer hauling is heavier hauling. Depends on what kind of train they are pulling. If they are pulling a heavy batch they are using more coal.

Q I want to know what you base your estimate of eight, nine or ten tons on?

A I base about eight or nine tons; that is what I base on transfer; it is only guessing because I am not much aware about that.

Q It is just a guess?

A Just a guess.

Q You do not know much about it?

A I do not know much about it.

Q I am instructed that the average engine in Montreal area uses about three tons in a shift, a steam engine, and that on transfer it would use about five tons; what would be your comment on that?

A I won't agree with that.

Q You do not agree with that?

A No.

--- Recess

ADRIEN LEFRANCOIS, recalled

EXAMINED BY MR. LEWIS:

- Q Mr. Lefrancois, we have not here a map of the
Place Viger yard, but you know it very well
I have no doubt?
- A Yes sir.
- Q I want to ask you a few questions with regard
to it. There is a part of that yard, the south
end of that yard near the water which is
known as Water Street by the railway people;
is that right?
- A Yes sir.
- Q It consists, does it not, of a number of tracks
which are laid out in pairs?
- A Yes, that is right.
- Q For example, you have tracks 15 and 16 making
one pair, 13 and 14, 11 and 12 another pair
and 9 and 10 another pair?
- A That is correct.
- Q I am instructed, Mr. Lefrancois, that in that
location you shove the cars with the engine
part of the locomotive attached to the cars?
- A The front end of the locomotive attached to the
cars?
- Q And the cab behind?
- A And the cab behind.

Q And I was also instructed that you shove these cars -- the movement is from east to west? Would that be right?

A That is correct.

Q Now then, I was instructed that the distance between the two cars in each pair --

THE CHAIRMAN: The two tracks.

BY MR. LEWIS:

Q I am sorry -- the two tracks in each pair, the distance between the two tracks in each pair is not sufficient for a man to stand between those two tracks if there are cars on both tracks?

A The clearance is not very large. That is correct.

THE CHAIRMAN: That is not the question. You are asked, can a man stand between if there are cars on each track?

THE WITNESS: We could but it is pretty narrow.

BY MR. LEWIS:

Q It would be unsafe to do it, would it not?

A As long as they use extra precaution they can do it.

Q Extra precaution?

A They can do it because it is not as narrow as that.

Q Now, I am instructed that as the result of this narrow clearance which you have stated that if there are cars on track 16, for example, and

you are shoving cars on to track 15 it is not possible to give signals on the engineer's side?

A It is possible.

Q How?

A As long as the men take the proper positions to exchange signals, the three men.

Q How would they do that?

A If it is ^{too} narrow the leading man will be on the leading car and one right in the curve and the engine follower near the engine and there is no trouble.

Q How can they go in this restricted clearance as cars are pushed in?

A All right, one is going up on the leading end on top and one on the ground right at the curve.

Q On top of the cars?

A Of the cars, and one right at the curve. We will say the yard foreman right at the curve and the engine follower near the engine and with that there is no trouble of pushing the cars in these tracks.

Q Have you seen it done that way?

A Oh yes.

BY THE CHAIRMAN:

Q I do not understand what "that way" is?

A That is --

Q Just a minute. The leading man is at the leading end of the movement on top of the cars?

A Yes.

Q And the next yardman you say is at the curve.
Where is he standing?

A Where the siding started he stands on the engine-
man's side.

Q Is he on the ground?

A On the ground.

Q Where the siding starts?

A And the engine follower --

Q No, do not go so fast. The yardman is on the
ground where the curve starts, where the siding
starts?

A Yes.

Q And the engine follower is where?

A Near the engine on the ground.

BY MR. LEWIS:

Q And when the leading car gets around the
curve is there no place where the man on top
of that car would be lost to the yard foreman
standing at the beginning of the curve?

A No sir, because there is no chance he would get
lost because the tracks are very short and they
only hold a few cars.

Q I am instructed they hold about 12 or 13?

A Twelve cars, that is not very long.

Q Pardon?

A Twelve cars, that is a short track.

Q You do not think that at any time as these cars
are shoved in the yard foreman standing at the
beginning of the siding when, let us say, five

or six cars have passed around that curve -- you are saying that he would not lose sight of the man on top of the leading car?

A No sir.

Q And you said, did you, that you have seen it done that way?

A Yes sir.

Q I am instructed, Mr. Lefrancois, that it has never been ^{done} that way but has always been done by passing signals on the fireman's side?

A I do not agree with that. If they are doing it it is for their own convenience. They have no reason to do it on the fireman's side.

Q Mr. Lefrancois, I understand that is your opinion but now we are dealing with the way in which it is done and I am telling you I am instructed it has always been done -- you may not agree with this -- by passing signals on the fireman's side rather than the way you have said it should be done?

A If it is done I never heard anything about it. It is not to my knowledge.

Q Not to your knowledge?

A No sir.

Q And you have seen it done which way?

A The right way.

Q The way you have described?

A Yes.

Q With a man on the leading car, on top of the leading car?

A Yes sir.

THE CHAIRMAN: Is track no. 15 west of track 16?

MR. LEWIS: South. Is that right?

THE WITNESS: Sixteen is --

BY MR. LEWIS:

Q Fifteen would be south of 16?

A South of 16 --

Q The movement goes from east to west and 16, as I understand, is the most northerly of the tracks and 15 would be south of it and then the pair, 13 and 14, would be south again? Is that right?

A Yes sir.

HON. MR. MARTINEAU: Did you say 15 would be --

MR. LEWIS: South of 16 or as the movement is going from east to west it would be left of 16 and, as it were, on the fireman's side of the engine.

BY MR. LEWIS:

Q Now, again still in the same yard you have, do you not, freight sheds which are built right under Notre Dame Street?

A Yes sir.

Q This is one of the reasons I said we were through with Exhibit 57 for the time being. I had not thought of it. Not to deal with Exhibit 57 except to illustrate to the members of the Commission, you have a track going through the

same viaduct, do you not?

A Yes, Notre Dame Street.

Q Which goes to the freight shed? The track branches off going to the freight sheds which are built under Notre Dame or is it another viaduct?

A There is no freight shed that we go to under Notre Dame Street because the freight sheds are built underneath Notre Dame Street. We are not going under it to go to the sheds.

Q Pardon?

A We are not going under Notre Dame Street to go to the sheds.

Q You do not have to go through the viaduct?

A No, we are going to some other location in the yard.

Q How do you get to the freight sheds built under Notre Dame?

A Alongside of track 7 we call that or track 23 or 24 or 27. That is near the freight shed.

Q And there is a sharp left curve to go to the freight shed, is there not?

A Yes, there is a sharp curve at that location.

Q How do you bring cars there? Are they pulled or pushed?

A Pushing, engine headed west.

Q Pushing, engine headed west?

A Yes.

Q That means that the cars are attached to the engine, to the front end of the engine?

A To the front end of the engine.

Q Right?

A Yes sir.

Q And that left curve makes it possible to give signals to the engineer?

A Yes sir.

Q How is that done?

A The leading man, he is on the leading car and the yard foreman is right at the curve that he can see the leading man on the movement and also in a position to relay signals to the engine follower which is located near the engine.

Q And again is it your suggestion that the leading man would never be lost to the sight of the man at the curve?

A No sir.

Q How many cars do you shove in there?

A Oh, track 27 holds about 21 cars, 22 cars.

Q And when 15 of those cars get around the curve your leading man would still be within the sight of the man standing at the curve? Is that what you are saying?

A Yes sir. The minute --

Q Pardon?

A That is okay.

Q You were going to say "the minute" something?

A Yes, because after you pass that curve the track is straight. The shed track is very straight.

Q Now, toward these freight sheds there is a great deal of movement of motor vehicles and people as well, is there not?

A Yes sir.

Q And what precautions can you take with regard to that?

A Precaution?

Q Yes.

A The engine first is working cab first to the east and the engine has a clear -- the engine-man has clear vision when he is approaching that little crossing. There is a crossing right there.

Q He has clear vision behind him but not ahead?

A Ahead of him there is nothing. Ahead of him it is a blind track.

Q I may have misunderstood you, but is that not where he gets his signals from if the front of the engine pushes the cars?

A They would be pushing right toward Bleury Street, towards the west.

Q And the engineer has to face the front of the engine, does he not, in order to get the signal?

A Yes.

Q How can he look through the back of the cab?

A When he is moving ahead he does not have to look at the back of the cab. He has got to look ahead to see where the men are when he is pushing, and when the movement is changed to

back up he has got to turn over and look behind.

Q Does he not still have to look the other way in order to get his signals?

A Yes -- I am telling you if it is pushing ahead, all right, he has got to look ahead, but if he has a back-up signal he has got to turn and start to back up.

Q Mr. Lefrancois, where does he get the back-up signal from?

A From the man on the ground that he was using to push the cars into the siding.

Q And they are in front of the engine, are they not? They are not in front of the cab?

A The cars are in front of the engine.

Q And so is this man?

A That man is right on the ground right in the curve, not very far from the curve, and the other man is right located in the same place and one at the leading end.

Q Yes?

A So with the three men placed in that position there is no trouble to relay signals to the engineman.

Q I am not talking about the relaying of the signals. I am suggesting to you, unless I do not understand you right, that he has got to get his back-up signal from the yardman who are in front of him?

A Yes.

Q Not behind the cab?

A No, in front.

Q Therefore to get the signals he must look opposite to the direction in which he is going when he is backing up? Is that not right?

A I don't get you.

Q He is sitting with the front end of the engine facing west?

A Yes.

Q The yard crew is also west of him?

A Yes.

Q And it is from the west that he gets his signal to back up and backing up he goes east?

A Yes.

Q Well, he cannot look east at the same time that he must look west for his signals, can he?

A When the engineman -- yes, he can. When the engineman gets a signal to back up he has got to turn and look before he starts his movement. If he has a signal to back up he has got to turn and look. He has a signal so all he is worried about is to look behind.

Q And he does not look back for another signal?

A He can probably just have a look around but his movement is to look behind.

Q But his signals come from the front?

A Certainly they come from the front.

Q What your suggestion amounts to, Mr. Lefrancois -- correct me if I am wrong -- is that in that situation he would look for his signal and take a glance behind him --

A Exactly.

Q And look back again to see if there was a signal?

A It is not necessary to look back again. He has got to look when he goes first and then if he has a chance to look back again he looks back again to see if he has not received any special signal to stop the movement.

BY HON. MR. MARTINEAU:

Q Mr. Lefrancois, under such circumstances when he receives a signal to stop and back up, should the engine follower not precede the engine on that backing up movement?

A Yes, he should -- if everything is clear behind he does not have to as long as he remains near the engine. If everything is clear on the back-up movement and he has it all lined up and the engineer has a clear view and he has it all lined up and he can see all the switches the engine follower just stays around the engine, on the step of the engine or on the first car if he has a couple of cars with him, as long as everything is set.

Q But is he not obliged to be at the head of the movement? Should there not always be a man at the head of the movement?

A Where there is a curve and the engineer cannot see if all the switches are lined up for his movement.

BY MR. LEWIS:

Q Mr. Lefrancois, you are talking about the time when

the engine backs up and it has finished its work, but am I right in suggesting to you that the work which you do there is spotting cars?

A Yes.

Q And when you spot cars you are continuously going forward and backing up in the spotting?

A Yes, that is right.

Q And while you are doing that it is a continuous forward and backward movement that the engineer has to make?

A Yes.

Q And the engineer must all the time, must he not, keep his eyes westward for the signals?

A Yes, he does, but when he backs up, when he has a signal to back up, all right, he just turns his head and sees if it is all right to back up.

Q On this track No.7 that you mentioned at Place Viger where these cars are spotted, I am instructed that there is no more than nine to twelve inches clearance between the engineer's side of the engine and the shed; is that right?

A There is a platform on No.7.

Q Yes?

A Really the width of the platform in that side I could not tell you exactly.

BY THE CHAIRMAN:

Q You are not asked that, Mr. Lefrancois. You are asked the clearance between the engine on the north point of the building.

A I could not tell you, sir.

Q All right. If you do not know the answer just say you do not know.

BY MR. LEWIS:

Q Would you please turn to Exhibit No.58, which is the St.Henri yard. You explained some of those movements the other day, Mr. LeFrancois May I take you over it again. First, at the top of that exhibit are the tracks on which the train would first come. Is that not right?

A Yes.

Q The northernmost tracks?

A Yes, the main line between Windsor station and Glen yard.

Q And the trains that finally do the switching in the St.Henri yard would come along those tracks?

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right?

A Yes, that is correct.

Q From the west, would they?

A From the east to the west.

Q From the east to the west?

A When they are going down to St. Henri we call that going down to the St. Henri yard, down grade.

Q They come from the east?

A Yes.

Q To the yard, would that be?

A St. Henri yard.

Q Would it come from St. Henri yard -- you say it would come from the east to go down.

A Yes, they come from the east to go down to St. Henri yard.

Q Where do they come from the east?

A Originally come from Glen yard by the main line, and then at what we call Green Avenue there is a switch there which branches off with the lead and that lead leads you right to St. Henri yard.

Q As they come along that track from the east to the west,, this northern track, which one is it that they come along? You see that arrow there with the letter "N" on it?

A North, yes.

Q Would those two tracks be the tracks we are talking about?

A They are coming on that one at the end of the

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arrow.

Q They come along the track which is at the bottom of the arrow?

A Yes.

Q Is that right?

A That one.

Q The northern one of those two.

THE CHAIRMAN: Not the one at the very top.

BY MR. LEWIS:

Q Is that right?

A Yes, sir.

Q Now, that track is on a hill, is it not?

A Yes, sir, on a hill.

Q Then, they come along the top of that hill until they pass that switch toward the west. Is that right?

A I do not know what you mean now.

Q Toward the left there is a switch shown there, at the end toward the left of the map?

A Yes, that is right.

A And then when that switch is lined up -- by the way, are they pulling or pushing when they come along the track going west?

A They are pulling from the east to the west.

Q From the east to the west with the engine in front or the cab front?

A The engine.

Q Front: the cars are attached to the cab?

A To the rear of the cab.

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Q When they pass that switch at the extreme left of that map, then they back down into a yard?

A Exactly, that is right.

Q With the cars attached to the cab?

A Yes.

Q. They back down into the yard?

A Yes.

Q And there is toward the bottom of that map and toward the right of it a freight shed which is marked on the map?

A Yes.

Q Just above St.Antoine Street?

A That is right.

Q There are tracks which are shown on this map just east of that freight shed?

A That is correct.

Q Am I right in suggesting to you that you spot cars along each of those tracks?

A That is correct.

Q And am I right in suggesting to you that they must be spotted, those cars must be spotted so that the doors on a car on one track are exactly in the same position as the doors on the car on the next track?

A That is exactly correct.

Q Because you have platforms that go through the cars on the three or four tracks for unloading; is that right?

A That is correct.

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Q And these portable platforms must be put through the doors of the cars from one track to another?

A That is correct.
going down there, are

Q You/are you not, with the cab end of the locomotive pushing the cars?

A Yes.

Q So that the engineer is on the north side?

A North side.

Q Would that be right?

A North side.

Q If you got cars on the most northerly track -- you follow me?

A Yes sir.

Q And you are pushing cars down into the track next to it nearer the freight shed --

THE CHAIRMAN: The middle track.

BY MR. LEWIS:

Q The middle track. Will you please tell the Commission how it is possible in a situation to direct the engineer down that middle track by signals to him if there are cars along the track north of it??

A The field man takes position on the leading car, on top of the leading car. The yard foreman remains on the ground near the curve and the engine follower remains near the engine, and while they are pushing, the engine follower and the foreman they are walking alongside the movement on the engineman's side with the

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man on the leading end on top. The siding holds ten cars and they have a clear vision of him from the ground.

Q Even if one accepts that as the way it should be done that would mean, would it not, that there would be no one watching anything on the north side of that movement.

A They are on the north side; they are on the engineman's side.

Q I am sorry; on the south side of that movement.

A They don't have to.

Q Could nothing happen on the south side?

A No, sir.

Q Are there no trucks and platforms and freight shed employees concerned in that part of the yard?

A That shed is spotted at night. We are spotting cars in that shed at night, and that shed is not disturbed until the cars are loaded the next evening.

Q There is no one around there until the next evening?

A No.

Q And there could be nothing left that might be in the way of the movement on the fireman's side?

A Nothing at all.

Q You have not seen anything between those tracks at all?

A No sir.

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Q Yourself?

A No sir.

Q Then, you have got those pairs of tracks that go north of the shed track; you have got pairs of tracks there right to the north?

A Yes.

Q Northeast it would be if properly put. And there are sorts of paved areas between the pairs of track. Am I wrong in suggesting to you that there are always people busy on those paved areas in that track.

A That is right.

Q If you have your ground crew concerned with the strain of shoving down in one of those tracks on the engineer's side you do not think it is necessary for anyone on the leftside to look out for anything that may happen; is that right?

A To give the answer, first we do not do any switching in daytime along that area, maybe a move once every month. We do not do any switching in daytime so there is no danger of all these trucks moving around --

BY THE CHAIRMAN:

Q I do not understand that answer. You say you may do a movement once a month. Then you say you do not do any switching except at night. The thing you do once a month, is that in the daytime or at night.

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A In daytime.

Q Well, then, you do it once a month in the daytime?

A In the daytime, very seldom we are doing switching.

BY MR. LEWIS:

Q In the daytime?

A In the daytime.

Q What you are saying is that you do most of your switching at night, and it would not be more than once a month that you switch in the daytime.

A In the daytime.

Q You are suggesting that at night there would not be any of those employees around there?

A Not anybody there at night.

Q May I ask you this before I ask you another question about this exhibit. Have you any similar arrangement of tracks in other yards in the metropolitan terminal; not exactly the same, but a similar arrangement?

A Yes, we have some tracks in different locations we call team tracks.

Q You do switching at some of the team tracks in the daytime?

A Yes, sir.

Q Therefore I repeat the question I asked you before. It is not now related to the St. Henri yard only but anywhere where you have this kind of arrangement of team tracks. Is it

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your position that there is no need to look for anything on what is now the fireman's side of the engine?

A I would say no; there is somebody looking, sir, the yard crew. That is right in the rule. When they are switching team tracks they have to look on both sides of the movement to see there is no vehicle or anything to obstruct their movement. That is their duty to do it.

Q That is before they start it?

A Before they start it.

Q And during the movement you then expect it to remain the same; is that right?

A Yes, that is what we figure.

Q Now, tell me in all these team track arrangements in your yards that you have you always pull or push only box cars?

A No, we are pushing different kinds of equipment.

Q On some of the equipment a man could not stand on the top, could he?

A Depends on what you mean.

Q Suppose you had a flat car loaded with -- what kind of a load would you have in Montreal?

A Flat cars loaded with timber.

Q Could a man stand on top of that?

A Depends on what kind of timbers we have. if sua

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square timbers, yes, he could, if they are not too high.

Q If square and they are not too high.

A Not too high.

Q You think even that would be safe if they are not too high?

A Really, we have not got that practice of standing on that kind of equipment loaded with timbers.

Q Because it would not be very safe?

A No.

Q That is right. Suppose the flat car is loaded with pipe?

A We do not.

Q You do not have any such?

A We have some.

Q Then, a man would not be able to stand on top of that car.

A No.

BY THE CHAIRMAN:

Q Where is the leading man in these circumstances?

A The leading man he has to take position on the ground -- if the leading movement is like that, on the ground.

BY MR. LEWIS:

Q But there are places we have seen where if he is on the ground he could not pass the signals, are there not?

A There is no place where signals could not be passed if the man is in the proper position.

Q You have made that general statement?

MR. SINCLAIR: Pardon?

MR. LEWIS: I said, "You have made that general statement".

MR. SINCLAIR: That is not a question.

MR. LEWIS: I appreciate that but I am saying it after myself so I will not pursue it any further, having heard it several times.

THE CHAIRMAN: You were just reassuring Mr. Sinclair to that effect.

MR. SINCLAIR: I just did not hear the mumble of my friend.

MR. LEWIS: That is quite a correct description, it was a mumble.

THE CHAIRMAN: I just hope we do not have to read too much of this.

BY MR. LEWIS:

Q Turning back to Exhibit No. 58, those team tracks which are shown there on this plan, Mr. Lefrancois, that is not quite correct is it, at the bottom at the south end of those tracks they all have quite sharp curves, do they not?

A They are not sharp curves.

Q They are not straight? They are not as straight as shown on the map?

A They are straight but at the entrance where they are connected to the lead there is a curve but the rest is straight. That is where they are connected to the ladder lead.

Q Which one is the track you are calling the ladder lead?

A That is where all the tracks are put.

Q The ladder lead is at the north of those tracks?

A Yes.

Q I am talking about the south. Imperial Tobacco is situated on the other side, on the south of St. Antoine Street, opposite one or other of these team tracks, is that not right?

A Yes, track 6 -- that siding is connected up to track no. 6.

Q And that track would be which one here, would it be to the west or east of the red line?

A Pardon me, I said track no. 6 and I should have said track no. 4.

Q That would be west of the red line, would it not?

A Yes, exactly.

THE CHAIRMAN: That would be the fourth one from the freight shed?

THE WITNESS: Yes.

BY MR. LEWIS:

Q That would be the westerly one of the first team of tracks?

A Yes, that is the first one after the freight

shed. There is the three tracks and the freight shed and the next track.

Q When it approaches St. Antoine Street and crosses St. Antoine Street, is there not a very sharp curve there?

A No, not very sharp.

Q But there is a curve?

A Yes, but not very sharp.

Q And then you go across St. Antoine Street into the Imperial Tobacco Company siding? Is that right?

A Yes sir.

Q That crossing on St. Antoine Street has to be flat, does it not?

A Yes.

Q It is an unprotected crossing, is it not?

A Exactly.

Q How do you spot the cars at Imperial Tobacco?

A First and foremost we have the right to cut across St. Antoine Street only between 6.30 p.m. until 5.00 a.m.; only at night.

Q Only at night?

A Yes.

Q How do you spot the cars at Imperial Tobacco?

A And then to spot the cars we push --

Q Before you go on can you tell me whether you are pulling or pushing?

A We are pushing cab first to the south because we are crossing the street.

Q And the engineer therefore is on the west side?

A The east side.

Q On the east side, rather, yes. That would be the side next to the Imperial Tobacco building?

A Yes sir, exactly.

Q And?

A And then we are pushing five cars at a time there and the leading man is on the leading car on the side and the fireman is right in the street to flag the crossing and the engine follower is near the engine and when the movement starts to pass over the street the yard foreman takes his position right at the end of the platform and the leading man walks along the platform to the end of the movement and the engine follower follows the movement on the ground near the engine.

Q And the platform projects from the building, does it?

A Yes sir.

Q And how wide is it, do you know?

A I do not know.

Q Roughly, would it be one, two or three feet?

A Maybe two or three, I could not say.

Q Two or three feet?

A Yes sir.

Q And they can spot the cars that way?

A Oh yes, easy.

Q In that situation you have the train crossing the street?

A Yes.

Q It is a busy street even after 6.30 p.m.,
is it not?

A Oh yes, it is a busy street.

Q You have the cars crossing St. Antoine Street
going from north to south, right?

A Yes sir.

Q You have your yard crew all on the west side
of that pull?

A On the east side.

Q On the east side, I beg your pardon. You have
your yard crew all on the east side of that
movement or pull?

A Yes.

Q And in that situation you would have no one
watching this St.Antoine Street on the west
side, is that right?

A No, there is nobody there.

Q Now I am going to refer you to Exhibit 60
which is the Building Products Limited exhibit.
Now what I want to accomplish is this. By the
way, there is more than one building in this
Building Products setup, is there not?

A Yes, there is more than one.

Q And where would the building be located on this
map?

A That is the main line?

Q No, where would the main building be located
on this map?

A Where track no. 1 is, at the top of the plan.

Q Pardon?

A Track no. 1 which is the first track. Next is the two main line tracks. There is one main line track --

MR. MUNDELL: He is referring to the tracks above the figure 1360.

THE WITNESS: South.

BY MR. LEWIS:

Q And the building is right here?

A Yes.

Q Are you referring to the track which has the number 850 under it?

A Exactly. That is where the building is, the main part of the building.

Q And the main part of the building would be between that part of the track on which the figure 850 occurs and the track or tracks below it to the south. Is that south?

A Yes.

Q To the south of it marked 260; or rather, there is the number 260 just above it?

A Yes.

Q And you explained once that to go in here you start from the west, from the LaSalle end?

A Yes.

Q Which is the west end?

A Right.

Q And you push, as I remember, engine first or cab first?

A Engine first.

Q The cars are attached to the engine part of the

locomotive?

A Yes.

Q And you push into that yard?

A Yes sir.

Q Now this red line that you illustrated with the letters A, B, C, D and E, where it now ends on this map it in fact curves up northwards, does it not?

A Yes, there is a curve.

Q You would have to project that E into a sharp left curve to the north?

A Yes.

Q In order to get ^{into} the area of this company's property?

A Yes.

Q Is that right?

A Yes, there are two curves. There is a right-hand curve and a left-hand curve on that siding.

Q As a matter of fact you have two or three sidings there?

A Yes.

Q Or perhaps even three or four in the Building Products area?

A Seven tracks.

MR. SINCLAIR: You have lost me, I am afraid. I am endeavouring to follow this. Are you suggesting that the map is not complete?

THE CHAIRMAN: Yes.

MR. LEWIS: That is what I am suggesting.

THE CHAIRMAN: There is a track which appears

to end at "E" but which does not end there.

MR. LEWIS: That is what I am suggesting.
I maybe reading it incorrectly, Mr. Chairman.

MR. CHAIRMAN: If the witness understood
the question he said it did not end there. I do not
know whether or not he understood the question.

BY MR. LEWIS:

Q Do you understand what I asked you when you
said the track does not end at "E" but makes a
curve to the north?

A No, the track ends at "E".

MR. SINCLAIR: That is what I thought.
He said there was a right and left curve.

THE WITNESS: Yes.

THE CHAIRMAN: Please try to pay attention
to the questions, Mr. Lefrancois. We only want to
have the facts.

THE WITNESS: I know.

THE CHAIRMAN: We do not want to be
confused by a lot of evidence that is not factual.
Please just follow the facts and answer the questions.

BY MR. LEWIS:

Q Is this red line which now shows ending at
"E", is that the end of the siding ^{into} the Building
Products property?

A Yes sir.

Q And you said before that the main building is
between the tracks on which the numbers 850
and 260 occur?

A Yes sir.

Q And there are no tracks going toward that main building?

A Yes, there is tracks. There is one track, track no. 1 at 850. There is track 260 which is no. 2. There is track 309; that is no. 3. There is track C-41; that is no. 4. And there are those tracks here. No. 1300 is No. 5 and 625 is no. 6 and on the south side of the blueprint 535 is no. 7.

Q And this whole map is the Building Products area, is it?

A Yes sir.

BY THE CHAIRMAN:

Q And it is correct and it shows the tracks as they begin and finish?

A Yes, as they begin and finish.

HON. MR. McLAURIN: Is Exhibit No. 60 to scale? I do not see the scale marked.

MR. LEWIS: One inch equals 100 feet.

HON. MR. McLAURIN: Oh yes, in the print below.

MR. SINCLAIR: In the addenda.

BY MR. LEWIS:

Q There are other buildings in this area, are there not, in the area which is shown on this map?

A Oh yes, there are.

Q Pardon?

A There is another one right here on track 5 and 6.

Q There is another building near track 5 and 6?

A Yes.

Q And is there not a building or buildings between the tracks towards the west?

A No, there is nothing at all there.

Q Is there lumber piled up there?

A Maybe lately there is lumber piled up but I did not see it.

Q How long is it since you have been there?

A About a week or two weeks.

Q Pardon?

A About two weeks ago.

Q And there is a grade in that yard, is there not?

A A little grade when you are arriving near the main line.

Q Is there not a grade say from the top or bottom -- whichever you want to call it -- of the 625 and 1300 towards St. Patrick Street?

A No, the grade aint very much because it is a kind of grade near the main line going in.

Q Yes? Do you not have to tie the cars down there?

A We always do in industrial sidings to put brakes on cars for safety protection. That is a part of their duty.

Q And occassionally you even have to put a board under the wheels, don't you?

A They put a board but that is up to them because we are teaching them to put handbrakes on to secure the cars.

Q Concerning this whole yard in Exhibit 60, am I

right in suggesting to you that on any week day it is a busy place?

A It is a very busy place, yes.

Q There is a lot of motor traffic on it and people walking all over it?

A Yes, there is in the yard.

Q Is that right?

A Yes.

Q And again in this case as in the others you are of the opinion that it is not necessary to have a lookout on both sides of the engine in view of all that busyness?

A We are looking -- the ground crew is always looking on both sides of the engine.

THE CHAIRMAN: You were just asked for your opinion as to whether or not it was necessary.

THE WITNESS: Yes, we are always looking on both sides.

Q Now, going along St.Patrick Street and Cote St.Paul, which would be to the west?

A To the east.

Q To the east -- I am getting these east and west directions mixed up. Going along those streets there are a lot of industrial sidings?

A Yes.

Q Almost every few hundred yards there is an industrial siding?

A Yes sir, that is correct.

Q And in every case you have to cross either Cote St.Paul or St. Patrick?

A Yes, St.Patrick Street.

Q To get to them. Am I right in thinking that all of the crossings across St.Patrick are unprotected?

A They are not protected.

Q They are not protected; that is right, is it not?

A They are not.

Q A movement across St.Patrick in every case would have to be protected by flagging?

A That is correct.

Q Generally speaking -- I want to take you to two specific places in a moment -- you have tracks which curve right and tracks which curve left into all of those industrial sidings?

A You are right.

Q Have you observed them lately. Have you gone along, say St. Patrick Street?

A Oh yes, I go there quite often.

Q There would appear to be -- most of these industries that you serviced, the yards connected with them would appear to be very busy places, would they not?

A They are busy.

Q St. Patrick Street itself is a very busy commercial street, as it were?

A A busy artery of traffic.

--- The Commission adjourned at 12.30 p.m.
until 2.00 p.m.

Tuesday,

March 19, 1957

AFTERNOON SESSION

--- The Commission resumed at 2.00 p.m.

ADRIEN LEFRANCOIS, recalled,

MR. LEWIS: Mr. Chairman, this morning I read into the record Rule 103. With your permission, I would like to draw the attention of the Commission to the fact that the subject matter of Rule 103 -- and perhaps there are others I do not know of -- which is at page 58 of Exhibit 27, is contained in a general order of the Board of Transport Commissioners, No. 708, dated January 22, 1948; and unless I am mistaken, the intent is exactly the same, though the wording is perhaps a bit different. With your permission, I shall read it, leaving out the preamble:

"It is ordered that the first two paragraphs of Rule 102 of the said General Train and Interlocking Rules --"

That would be the rules that preceded the present one, which my learned friend informed the Commission came into effect in 1951.

"-- and the first two paragraphs of Rule 103 of Operating Rules of the Canadian National Railways approved by Order No. 42252, dated February 27, 1929, be struck out and the following

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"be substituted therefor:

'When cars are pushed by an engine (except when shifting and making up trains in yard, where there are no public highway crossings at rail level, or where there are public highway crossings at rail level adequately protected by gates or otherwise) a man must take a position on the leading car for the purpose of giving signals necessary to such movement.'"

THE CHAIRMAN: The word "switching" in the rule become 'shifting' in the order?

MR. LEWIS: Yes, the word "switching" in the brackets becomes "shifting". The rest is very similar.

While I am on that, Mr. Chairman, I have now drawn the Commission's attention to four orders: Orders 293 and 302, a few days ago - I do not remember just when - and Order 775 this morning, and now Order 708. I was wondering whether the Commission would prefer to have them filed as exhibits; I have undertaken to obtain copies of the orders from the Secretary of the Board ...

THE CHAIRMAN: You will put them in when you get them?

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MR. LEWIS: Yes, Mr. Chairman. Would you like to have numbers assigned to them, or put them in when they come?

THE CHAIRMAN: Is there any virtue in having them on the record now?

MR. LEWIS: No.

THE CHAIRMAN: We will put them in when we get them.

MR. LEWIS: Thank you, Mr. Chairman.

BY MR. LEWIS:

Q. Mr. Lefrancois, I have only two or three specific questions about industrial switching jobs to draw to your attention, and my questioning will be over. One is the Canadian Tube and Steel Company. Are you acquainted with that?

A. Yes sir.

Q. That is another one alongside St. Patrick Street?

A. Yes sir.

Q. And that also is south of St. Patrick Street?

A. Correct.

Q. The train to go into the Canadian Steel Company siding comes from where?

A. Cote St. Paul.

Q. That would be from the east?

A. From the east.

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Q. Then you pull the train from Cote St. Paul until it passes the relevant switching point?

A. Exactly.

Q. And then you back the train into the Canadian Tube and Steel siding?

A. Correct.

Q. And the cars are attached to the cab end of the engine, right?

A. We are pulling them, attached to the engine. The engines at Cote St. Paul are working cab west, and the Tube company is located west of Cote St. Paul yard.

Q. They are attached to the engine when you are pulling them?

A. Yes.

Q. Therefore, they would be attached to the engine when you are pushing them into the siding?

A. Into the siding.

Q. The engineer would therefore be on the right side of the movement, in the direction of the movement?

A. Yes, he would be on the south side, on the right side, unless backing up toward Canadian Tube; he has the cab first, west, and he is pulling cars from Cote St. Paul for that siding.

Q. He is pulling cars from Cote St. Paul, as

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I understand it, and the cars are attached to the head of the engine?

A. Yes.

Q. And therefore he is pulling them with the cab first?

A. Yes.

Q. Then when he backs up, when he shoves the cars into the Canadian Tube and Steel Company siding, the cars are still attached to the front of the engine?

A. Yes.

Q. And he is pushing them in that way?

A. Yes.

Q. So he is on the right side when you look at it in the direction of the movement?

A. Exactly.

THE CHAIRMAN: Which is the south side.

MR. LEWIS: Which would be the south side, except that there is very quickly after the crossing at St. Patrick Street a sharp right curve.

BY MR. LEWIS:

Q. So the track goes parallel to St. Patrick Street?

A. That is correct.

Q. And then there is a sharp left curve into the Canadian Tube and Steel Company building?

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A. Yes, there is.

Q. Is that correct?

A. Yes sir.

Q. How is it guided into the building?

A. The Canadian Tube has its own engine, and we only place the cars in that long siding that you are talking about for their own engine to place.

Q. They have a switching engine?

A. A switching engine of their own.

Q. Which is used by their own employees?

A. By their own employees.

Q. And their own employees guide the cars?

A. If they want them in the plant they place them themselves.

Q. You merely locate the cars on the track which is parallel to St. Patrick Street?

A. That is correct.

Q. What would you put there, ten or twelve cars?

A. Ten, twelve or fifteen; I think the siding holds about twenty cars.

Q. And you do not go past that portion of the siding?

A. No, we do not go past. Sometimes maybe if their engine is defective for some reason we might put a car in, but ordinarily it is their own engine that does the placing.

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Q. Thank you. Then there is another industrial siding which I should like to draw your attention to, the MacMillan & Bloedel Plywood Company?

A. Yes.

Q. It looks like a new building?

A. Yes.

Q. Has it been there long?

A. That was built about five years ago.

Q. The train comes from where to MacMillan & Bloedel?

A. LaSalle.

Q. That would be from the west?

A. From the west.

Q. In that case the cars would be attached to the cab end of the engine, when you are pulling eastward?

A. The switch point, the way the switch is facing, from LaSalle they pull their cars - they would be attached to the cab end.

Q. Yes, they would pull the cars; the cars would be attached to the cab end.

A. To push them in the siding, I could not exactly tell you if the switch is facing east or west. I know where the place is, but which way it faces I am not sure.

Q. Perhaps I can get another little bit of education in this instance. If you are

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pulling the cars one way from the LaSalle yard, it is sometimes necessary to turn the engine around, is it?

A. No. We have a siding right around that location; we can run around the cars. If we have got to push them with the cab or the engine, we push around the cars.

Q. You would disconnect the engine and run the engine around that siding?

A. Yes.

Q. And you turn it around, if that is necessary?

A. Yes.

Q. You do not remember how they shove cars into that siding?

A. The switch point, I am not sure.

Q. Therefore you cannot tell us how they shove the cars into the MacMillan & Bloedel siding?

A. I cannot really tell you exactly how they do it.

Q. There will be no profit in attempting to pursue that further. Then there is the Molson's Brewery siding, going to another part of the city. They work out of Place Viger.

A. It is out of Hochelaga.

Q. It is out of Hochelaga yard, but it is located near Place Viger?

A. That is correct.

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Q. I am instructed, Mr. Lefrancois, that there is a very high wall, and starting with the top of that wall there is a public park right opposite the Molson's Brewery siding there, is that right?

A. Yes, that is a high wall.

Q. And that the track takes a very sharp curve precisely at the wall?

A. There is a curve, not so sharp as that; there is a curve.

Q. You say it is not sharp?

A. I would not say it is very sharp.

Q. How are the signals given in pushing cars in to spot them at Molson's Brewery?

A. On the engineman's side, with crews on the ground, on the right.

Q. With crews where?

A. On the ground.

Q. No member of the crew is on top of the cars?

A. Maybe sometimes if they are having a long batch they would use one of the head end men to get on top of the cars, but generally we are working on the ground.

Q. On the engineman's side?

A. On the engineman's side.

Q. I am instructed that the curve at the wall that we have referred to is on the engineman's side?

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A. That is correct.

Q. And that because of the curve and the wall, which start at almost the same point - not the same point, but the same line?

A. Yes.

Q. Because of that it is impossible to see, no matter how few cars you have on that train, once you pass the curve and the wall?

A. And the wall, yes. As long as the men are placed right in the curve to exchange signals, the engine follower and the other yard man can see; they can exchange signals with the engineman on that side.

Q. How recently have you seen this particular switching job done?

A. The Molson job, that is about a month ago.

Q. That wall has been built for a year or two, and a month ago you saw the signals being given on the engineer's side?

A. Yes. I did not see any others.

Q. And all of them were on the ground?

A. Yes.

Q. Would it be the same crew that would handle this switching job as handled the Dominion Oilcloth?

A. Sometimes the same crew.

Q. Can you remember whether it was the same crew that did the job at Molson's when you

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saw it a month ago?

A. Yes, it was the same crew.

Q. The same crew that you instructed at Dominion Oilcloth?

A. Yes, the same crew.

Q. You say you saw them working on the ground?

A. Yes.

Q. On the engineman's side?

A. Yes.

Q. Now there is, among the many siding you have in Montreal, one at the Canadian Linseed Oil Company?

A. Yes, that is at Hochelaga.

Q. I am instructed it has been the practice there, because of clearance and culverts to guide the train on the fireman's side, is that wrong?

A. That is wrong, because they have got to pass between the building to work on the engineman's side, because it is pretty near a straight track. I can't tell you any more because we had a man hurt a few years ago by his own negligence on that side, because they were working on the engineman's side; he missed his footing and he fell. There is lots of room.

Q. When was the last time you saw that job done?

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A. About four or five months ago. I did not go there for four or five months.

Q. I think that is all I have to ask.

MR. SINCLAIR: Mr. Chairman, I have two small points.

EXAMINED BY MR. SINCLAIR:

Q. In answer to my friend this morning in regard to inspection with respect to team tracks your answer, as my note has it, is: The rule says they are to make sure before they switch?

A. Yes sir.

Q. What did you mean by that?

A. The third paragraph of Rule 112.

Q. What page?

A. Page 66.

Q. Maybe I could read it. It is found at page 66 of Exhibit 27:

"Before coupling to or moving cars being loaded or unloaded all persons in or about such cars must be notified. Vehicles and loading or unloading devices must be cleared."

When you said they must make sure it is clear, if my note is correct, who were "they"?

A. The yard foreman and two yard men working on the engine.

Q. This afternoon in answer to my friend you

A. Lefrancois

were dealing with the Canadian Tube Company,
and you said they had their own engine?

A. Yes sir.

Q. Are there a number of industries around Montreal
that have their own engines?

A. We have the Canadian Tube, the Distiller's
Corporation ...

Q. Canadian Car, Dominion Bridge?

A. Yes, Canadian Car and Foundry, Dominion Bridge,
Canadian Allis-Chalmers.

Q. How many of a crew do they have on their
switching, on these engines, do you know?

A. Two men. I mean to say, in the Canadian Tube
there are two men.

Q. What are they?

A. One runs the engine, and one yard man or yard
foreman, you can call him.

Q. It is a crew of two?

A. Yes.

HON. MR. MARTINEAU: What was the second
company?

MR. SINCLAIR: We mentioned Dominion
Bridge, Allis-Chalmers, Canadian Tube, Canadian
Car.

HON. MR. MARTINEAU: That is in what
yard?

MR. SINCLAIR: It is in their own
yard.

A. Lefrancois

HON. MR. MARTINEAU: No particular yard?

THE WITNESS: That is their own plant.

The Dominion Bridge plant - they work right in their own yard.

BY THE CHAIRMAN:

Q. I did not understand whether your answer meant that one of these companies had a crew of two men, one on the engine and one on the ground, or whether all these companies you mention operated the same way.

A. They are operated the same way, as far as I know.

Q. All of them?

A. As far as I know, all of them.

EXAMINED BY MR. MUNDELL:

Q. In Exhibit 63, where you give the summary of your observation of work performed by firemen during the firemen inspection period, I notice that these were all in the day time, in the middle of the afternoon. Would there be any difference in the duties or the work that might be required to be done by a fireman if he were being relieved or arrived at night? I am thinking about the use of the lantern.

A. No, there is no change.

Q. No difference?

A. No difference.

A.Lefrancois

- Q. You did not make any observations during the night time?
- A. I did on the preparatory time.
- Q. On the preparatory time, but not on the final inspection?
- A. No, no final inspection.
- Q. Would they not have to do anything with the lantern?
- A. No. In the preparatory time I made observations.
- Q. But not the final inspection?
- A. No, I did not.
- Q. Do you know if there is any difference?
- A. I don't know any difference.
- Q. You did not see any?
- A. No I did not.

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JOHN EDWARD JOHNSON, recalled,

MR. LEWIS: Mr. Chairman, if I may, I would start my questioning of Mr. Johnson by informing him that the Superintendent of the Montreal Terminals was good enough to take me through the St. Luc yard the other day. I have only two questions relating to it: One relates to the repair yard there.

BY MR. LEWIS:

Q. Mr. Johnson, if I remember your evidence, there are fifteen tracks there?

A. Yes sir.

Q. In the repair yard?

A. That is right.

Q. Is that the yard in which the switches are Yale locked?

A. They are Yale locked when the cars are spotted.

Q. I could not find it, but will you tell me whether I am correct in saying that is another provision of the Board of Transport Commissioners that requires that to be done? There is some order relating to it?

A. That is a blue-flagged track or locked switch. If the switches are locked with a Yale lock and the keys are kept in the car foreman's office, that is their protection.

Q. They can use a blue flag there?

A. Or padlock the switches.

J.E.Johnson

Q. If they padlock them they do not need to bother with the blue flag?

A. That is right.

Q. Although there was no work being done there on Sunday when I visited the yard, it gave evidence of being a very busy place from what I saw, is that right?

A. During the week days it is a busy place, but on Sunday the staff is reduced.

Q. During the week days it could be a very busy place?

A. That is right.

Q. You would have a lot of tradesmen connected with car repairs working in and around the cars?

A. That is right.

Q. There would be a lot of tools lying about?

A. No, they do not leave many tools lying about.

Q. What about jacks?

A. The jacks are kept pretty well in place, and their tools are kept in their own tool boxes.

Q. And there would be materials?

A. They do not leave any material lying around.

Q. There would be some material piled up?

A. As soon as they take the part off the car that has to be taken off, it is taken away and another part is brought in.

J.E.Johnson

Q. Supposing, for instance, you were replacing the deck on a flat car, you would have lumber piled up near the car, wouldn't you?

A. No; they take the lumber from the lumber pile as it is required. They do not pile up the walk-ways unnecessarily.

Q. I don't know what you mean by "unnecessarily". Supposing I put it this way: If I saw on Sunday a flat car whose floor was being replaced, are you suggesting that there would be no lumber piled up right beside that car?

A. No. They take the lumber from the lumber pile as it is required. They do not put ten or twelve planks in a pile until they are ready to work; they take the lumber as it is required.

Q. Where is the lumber?

A. They have a lumber yard right alongside the repair track office; there is a shed building right there.

Q. The lumber is inside the shed?

A. Yes sir.

Q. What you are saying is there would be no lumber piled up on the track beside this car whose floor was being replaced?

A. No sir.

Q. What other material would they use?

A. They change wheels; that is one of the

J.E.Johnson

biggest things to be changed on cars on repair track. They have a hoist truck that will bring the new pair of wheels in; he drops the new pair of wheels right at the car being repaired, and lifts the old wheels up right away and takes them away.

Q. It is your opinion, I suppose, that the eyes on the other side of the engine pushing or pulling the cars into or out of these tracks are not necessary despite all the business done in that yard?

A. The man rides the leading car in on the repair track, and he has a clear view of where he is going.

Q. And when they pull out of the yard ...?

A. When they pull out of that yard the engine follower is close to the engine, and if the engineman is in any doubt he has to stop and the engine follower will get up on the engine or ride the right front step, whichever is necessary.

Q. I would like to direct your attention to Exhibit 54, the record of observations of actions of firemen on yard diesels. I notice by pages 1, 5, 6 and 9, the fireman was running the engine in each of those cases. I don't know whether it was so in any other cases I may have missed, but at

J.E.Johnson

least in those four cases?

A. That is right.

Q. On page 1 the shift started at 11.59, and you saw it between 2 and 3 a.m.?

A. That is right.

Q. And on page 5 the shift started at 11 o'clock, and you saw it between 2 and 3 a.m.?

A. That is right.

Q. And on page 6 the shift started at 11, and you inspected the work between 3 and 4 a.m.?

A. That is right.

Q. And on page 9 the shift started at 11.59 p.m., and you inspected the work of the firemen between 1.30 and 2.30 a.m.

A. That is right.

Q. Mr. Johnson, do you think there is any necessity for the engineer to be spelled off once or twice during his eight-hour shift?

A. No sir, I don't think there is any necessity.

Q. He gets a 20-minute lunch spare in those eight hours?

A. That is right.

Q. And it is your opinion that he can run the controls of the engine for the remaining seven hours and 40 minutes, or less if his work ends before eight hours ...?

A. Yes.

Q. He can spend the remaining time without

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requiring any rest period at all away from the controls?

A. Yes sir.

Q. I suppose you do not think there is any value at all in having the classed fireman there to take over the controls?

A. No sir.

Q. Will you now turn to page 2, Mr. Johnson?

MR. LEWIS: Mr. Chairman, I am trying to get this through as quickly as I can, in view of some discussion which my learned friend and I had about what might happen the rest of this week, that is today and tomorrow.

BY MR. LEWIS:

Q. Mr. Johnson, I want to put the same sort of question on the record. I want to ask you with regard to several of the other pages where this occurred: On page 2 the fireman called a clear on the classification lead.

A. That is right.

Q. And he calls a switch in the departure yard?

A. That is right.

Q. And later on the engineman made an inquiry from the fireman regarding the spotting of the train at the Air plant?

A. That is right.

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- Q. Before I ask you that, there are three or four other places in your observations where a fireman imparted information to the engineer, the engineer required information from the fireman, or both?
- A. Yes, that is right.
- Q. And in all of those cases your evidence was that in your opinion it was not necessary?
- A. That is right.
- Q. Either because the ground crew was in a position to guide the engineer or because the engineer himself might have a clear view?
- A. If the ground crew was properly positioned there would be no necessity for this information across the cab.
- Q. Have you ever driven an engine, Mr. Johnson?
- A. No sir, I don't drive one.
- Q. And you have never done so?
- A. Well, when I started first, it was like everybody else, you always had to try them, but it is years since I have tried them.
- Q. Even then, did you merely try them or did you drive them for any length of time?
- A. Just in a switch yard, drive them up and down for 15 minutes perhaps.
- Q. I don't suppose I would be insulting you if I suggested you have never driven a railway engine?

J.E.Johnson

A. No sir.

Q. I would like to ask you whether you do not think that an engineer driving an engine in a yard might not require the added security obtained from getting information verbally from a man sitting in the cab, about where the switches are, the clearance of the lead...?

A. No sir; if the ground crew is properly positioned, that will not be necessary.

Q. If the ground crew is properly positioned all the engineer does or can do is to interpret and guide himself by the signals given to him by the ground crew?

A. That is right.

Q. I am asking you whether even when that happens the engineer might not require the added sense of security in driving the engine by being able to find out from a man who sees the other side of the engine, and can tell him whether everything ahead or behind or on the side is clear?

A. Well, if there is no fireman there, the engineman would not pull down foul of the lead of the track he is pulling on; he would have to wait until the engine follower walked up to the engine and got on the right front step to protect him down there.

Q. What you are saying -- and correct me if I

J.E.Johnson

am not interpreting you correctly, because I want to understand you -- is that the engineer, if the fireman was not there would have to --

A. To stop.

Q. Would I be right in saying he would have to stop because he would feel a little less secure, or a little less able?

A. Yes; if he was in any doubt...

Q. In order to feel secure enough to go forward, he would have to stop and wait for one of the ground men to come over and tell him what is happening?

A. That is right.

THE CHAIRMAN: That is of course in circumstances where the ground man was not there?

MR. LEWIS: Yes, when he was not there.

BY MR. LEWIS:

Q. And quite often he would not be there?

A. He might be one car from the engine, or two cars, whatever the case may be.

Q. He might be pulling a pin or coupling or doing something else?

A. Or repeating a signal given to him from the rear.

Q. And that happens quite frequently?

A. It does.

Q. That he is some distance away, a car length or half a car length?

J.E.Johnson

A. Yes.

Q. And in all those occasions the engineer would have to stop in order to make sure he wasn't going to do something wrong or foul the lead or the track?

A. That is right.

Q. And wait for the engine follower to come over?

A. Yes.

Q. That is all.

EXAMINED BY MR. SINCLAIR:

Q. In answer to my friend's last series of questions, Mr. Johnson, about the positioning of the engine follower, as the supervisor of Cote St. Luc yard, where do you wish that engine follower to be on those moves ahead?

A. When pulling out of the classification I would like him on the right front step.

BY THE CHAIRMAN:

Q. What were the circumstances that you were speaking of in answer to Mr. Lewis a few minutes ago, when the engineer would have to stop because the engine follower was not in front?

A. The engineer would stop on the lead, and the engine follower would walk up to the right front step.

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Q. Yes, I know that, but in what circumstances are on what occasions would that occur?

A. When pulling out of the left-hand curve.

Q. What is the rule which requires someone to be on the leading end of the movement?

MR. SINCLAIR: If the signal disappears you must stop - is that the one you are referring to?

THE CHAIRMAN: No.

MR. LEWIS: I think it is 103.

THE CHAIRMAN: Yes, I am looking at 103.

MR. LEWIS: That refers to pushing cars rather than pulling.

MR. SINCLAIR: Yes, 103 refers to pushing cars.

THE CHAIRMAN: What is the exception? What does it refer to: Except when switching and making up trains in yards where there are no public crossings and so on? What is the exception inside the brackets referred to?

MR. SINCLAIR: As I understand it, sir, it is that in some moves in yards they are controlled by fixed signals, or they may be controlled by a switch tender having lined the movement up for the man coming along. I would think the part in parenthesis would refer to where the operation did not involve any danger from pushing cars with nobody on the point. That is what I would think,

J.E.Johnson

but I would like to ask the witness if that is an unusual type of movement, pushing cars without someone on the point.

BY MR. SINCLAIR: !

Q. Mr. Johnson, take the "St. Luc Yard" when you push cars do you station a man on point?

A. Except when flat switching; when cars are cut off to run freely we do not put a man on every car that runs freely.

Q. Is that what in your opinion the parenthesis cover?

A. In my opinion, yes.

Q. Or where the movement is controlled by signals in a circuit, would that also be covered by that parenthetical clause?

A. Yes, I think that would be so.

Q. I would like to also refer to the two last paragraphs in Rule 104 on these moves - that is the last two complete paragraphs.

THE CHAIRMAN: What page?

MR. SINCLAIR: Sixty-one.

THE CHAIRMAN: Those are not the last paragraphs in the rule.

MR. SINCLAIR: No, they are the last complete paragraphs on that page.

BY MR. SINCLAIR:

Q. Mr. Johnson, would they have any effect on it? Take the rule that says:

J.E.Johnson

"When a train or engine is standing on any track waiting for a train the engine crew and trainman must, when practicable, see that the switches at the front of the engine are properly lined."

And also:

"A train or engine must not foul track until switches connected with the movement are properly lined, or in the case of spring switches the conflicting route is seen to be clear."

Would that be the type of rule where the exception in parenthesis of Rule 103 would be applicable?

A. Yes, I think so.

MR. SINCLAIR: I don't know, Mr. Chairman. I am just looking through this rule book. The two that I understand are covered by the parenthetical clause are cars running free or otherwise controlled by circuits. Whether there are other rules or not, I don't know.

BY THE CHAIRMAN:

Q. Mr. Johnson, 103 says: "When cars are pushed by an engine" -- leaving out the material inside the brackets -- "a member of the crew

J.E.Johnson

"must be on the leading car and in a position from which signals necessary to the movement can be properly given." That seems clear enough. "Leading car" there does not mean the engine, does it?

A. No.

Q. You were answering some questions a few moments ago with regard to the locomotive itself?

A. Yes.

Q. Where there would be no member of the ground crew at the front of the engine, we will say, or within the engineer's vision where he is going to proceed with the locomotive and the cars behind him, what is the rule if any, which says there must be someone on the front end of the engine?

A. There is no rule that says a man must be on the front end of the engine.

Q. There isn't any rule?

A. Not for the engine follower, you mean?

Q. For any yard man.

A. No, there is no rule.

Q. Is that not the practice, that there shall be someone?

A. It is the practice. The yard foreman has the jurisdiction of placing his men at the best advantage points; and the best advantage points on a pull down like that would be to have the yard man on the right front step

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of the engine.

Q. To go back to the answer you gave a while ago, you apparently had in mind some movement which positioned the cars behind the engine in such a way that the ground crew were nearer the cars than the engine, and would be behind him. That is the sort of situation you had in mind, was it?

A. I had in mind flat switching.

Q. Whatever you call it, is that it?

A. By pushing a batch of cars down, one of the yard men, the field man or the engine follower, would ride the leading car.

Q. I appreciate that. You do that to go through the movement?

A. Yes.

Q. Now it is going to be reversed, and the movement is going to be the other way, the engine is leading. The answers you gave a little while ago would refer to that sort of thing where the cars have been pushed and the yard crew are on the car side of the engine; the engine is going to go forward, so the engineer turns around and looks in the direction he is going, and the yard crew are then behind him?

A. Yes.

Q. In what circumstances does he move off without having somebody in front of him, in yard

J.E.Johnson

switching or flat switching?

A. If he can see the lead clear --

Q. That is the track he is on?

A. That is the track he is on.

Q. In what circumstances would he stop after having proceeded some distance on that lead?

A. If he was in doubt about the clearance when he got to the end of the lead then he would stop.

Q. What is the end of the lead?

A. Where the switch is leading into the lower track.

Q. Where are the yard crew during the time he is going forward?

A. The field man or the foreman would generally be in the centre of the batch, and one at the end of the batch, and the engine follower might be anywhere from one to five cars from the engine, relaying signals.

Q. So that if the engineer gets to a point where he has any doubt, he stops, or should stop, and wait for the engine follower to get on the end of the locomotive?

A. Yes, that is right.

Q. That is what you are referring to?

A. Yes.

MR. SINCLAIR: If I may draw the attention of the Commission to what is covered by

J.E.Johnson

the second paragraph, that is the second of the two paragraphs I read out of Rule 104 --

THE CHAIRMAN: What page?

MR. SINCLAIR: Page 61. It reads:

"A train or engine must not foul track until switches connected with the movement are properly lined, or in the case of spring switches the conflicting route is seen to be clear."

BY MR. SINCLAIR:

Q. If the switches were not in line, or could not be seen, or the route was not seen to be clear by the engineman, what would the engineman do?

A. Stop.

Q. And then what would happen?

A. He would wait until the engine follower came up to the engine to say that the route was properly lined.

BY THE CHAIRMAN:

Q. What is a spring switch?

A. A spring switch is a switch that the engine can go through the trailing points, and after he clears it the switch automatically springs back; so, he is lined to go back out on another lead.

Q. Does the switch have to be moved before he

J.E.Johnson

crosses it, when he is going forward?

- A. No sir. The spring takes care of that. The spring pushes the points over, and takes care of that; after he is clear the points spring back to the normal position.

THE CHAIRMAN: Any further questions?

MR. SINCLAIR: No, Mr. Chairman.

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HOWARD ROSS KELLEY, sworn,

EXAMINED BY MR..SINCLAIR:

- Q. Mr. Kelley, your present position is superintendent of the Winnipeg terminals of the Canadian Pacific Railway?
- A. That is correct.
- Q. You joined the Canadian Pacific in July, 1913?
- A. That is correct.
- Q. Where and in what position?
- A. As trainman at North Bay.
- Q. And you stayed as trainman at North Bay for how long?
- A. Until 1914, when I was laid off on account of a reduction in staff.
- Q. You stayed on the seniority list until when?
- A. Stayed on the seniority list in North Bay until I think November, 1915.
- Q. And in November, 1915 you moved where?
- A. To Brandon, Manitoba.
- Q. What was your work there?
- A. As yard man and yard foreman.
- Q. And you left there when?
- A. October 29, 1917.
- Q. Where did you go then?
- A. I went to Calgary, Alberta.
- Q. As what?
- A. As yard foreman and yard man.
- Q. How long did you occupy those positions in Calgary?

A. Approximately nine or ten years - I don't know off hand.

Q. You were appointed in the later twenties as assistant yard master at Calgary?

A. Yes, that is correct.

Q. And from the later twenties until 1945 you were either an assistant yard master or yard master at Calgary?

A. That is correct.

Q. So for approximately 17 or 18 years you occupied those positions?

A. Yes sir.

Q. And what yards did you work in during those 17 years or so at Calgary?

A. I worked in every yard in the Calgary terminal.

Q. In October, 1945 you were promoted to general yard master at Calgary?

A. That is correct.

Q. And your supervision extended over what?

A. The whole of the Calgary terminal.

Q. How long did you have that position?

A. Until June, 1951.

Q. What did you become then?

A. Assistant superintendent, Winnipeg, Manitoba.

Q. At the terminals?

A. At the terminals.

Q. How long were you assistant superintendent in Winnipeg?

A. Until June, 1955.

Q. What was your job then?

A. I was made superintendent of the Winnipeg terminals.

Q. And that is the job you now have?

A. Yes sir.

Q. To sum up, for 40 years you have worked in the yards of Canadian Pacific, is that right?

A. That is correct, sir.

Q. A little better than 40 years?

A. Forty-three, to be exact.

Q. Now when you were in Calgary, how many yard assignments were there, Mr. Kelley?

A. If I remember correctly, there were 33.

Q. How many of those assignments did you actually work as foreman or yard man, do you remember?

A. Well, I can't say that I worked every assignment because that would mean working the engines around the clock, but I worked on every territory that the 33 engines worked on in that terminal.

Q. Have you ever worked the hump job at Calgary?

A. Yes sir.

Q. How many humps are there in Calgary?

A. One.

Q. What kind of hump is it?

A. It is a manual hump.

Q. When you were yard master, did you always

work one shift, or did you work different shifts? Did you work the day shift or night shift, or both?

A. I worked all shifts - day shift, afternoon shift and night shift.

Q. At Calgary?

A. At Calgary.

Q. What kind of familiarity did you have with switching operations in Calgary?

A. Well, I feel that I am or was quite familiar with the switching operations in Calgary as they were carried on during the time I was in the terminal.

Q. And you were there until when?

A. 1951.

Q. Have you ever been back?

A. For a couple of days.

Q. When you were working that yard or supervising it did you ever check the yard or check the switching operations?

A. Very often; that was part of my duties.

Q. Coming to Winnipeg - you came there in 1951?

A. June, 1951.

Q. As assistant superintendent?

A. Yes sir.

Q. Did you know the territory before you came there?

A. No sir.

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H.R.Kelley

Q. What did you do?

A. When I came here I took three weeks --

Q. You never came here - this is Ottawa.

A. Pardon me, when I came to Winnipeg I took three weeks and I walked every foot of the terminal spurs inside the yard limit signs in the Winnipeg terminals.

Q. How long did it take you to do that?

A. Pretty close to three weeks, to walk them all and get them so that I know what would be going on with the switching operations.

Q. If the Commission wants to do that, do you think they could do it in less than three weeks, Mr. Kelley?

A. It would depend on how fast they walk.

MR. LEWIS: Mr. Chairman, that is almost a form of intimidation.

THE CHAIRMAN: Very ominous.

BY MR. SINCLAIR:

Q. You say you walked every foot of it?

A. Yes.

Q. After you were familiar with the yard from that type of observation, and during your supervisory career in Winnipeg, did you do any checking switching?

A. Quite often when I was walking around the yard, yes.

H.R.Kelley

THE CHAIRMAN: That means observing?

MR. SINCLAIR: Yes sir.

BY MR. SINCLAIR:

Q. When I say "checking", you understand that?

A. Yes. I observed the way switching was being carried on.

Q. Did you check just the yard, or did you check both yard and industrial switchings in those checks?

A. I would check both yards and industrial switching.

Q. Is there any part of the Winnipeg terminal, or any industrial sidings or parts of the yard that you are not fully familiar with, Mr. Kelley?

A. No, with the exception of one or two spurs recently installed away out in St. James.

Q. But other than those spurs you know all of them?

A. Other than those spurs I know the switching operations that take place as the engines go into the various spurs.

THE CHAIRMAN: Perhaps we should take our recess at this point.

--- Recess.

--- After recess

BY MR. SINCLAIR:

Q On an average, Mr. Kelley, how many cars do handle through the Montreal terminals in a day?

MR. LEWIS: In Winnipeg?

MR. SINCLAIR: I am sorry. I have been so long in Montreal I find difficulty in getting myself oriented. I mean Winnipeg.

THE WITNESS: Between 5,000 and 6,000.

BY MR. SINCLAIR:

Q What is the yard setup --

MR. LEWIS: Is that counted in the usual way, one in and one out?

MR. SINCLAIR: Yes.

BY MR. SINCLAIR:

Q Between 5 and 6000?

A Yes.

Q What is your yard setup in Winnipeg? Have you one main yard or what is the setup?

A We have an arrival yard from the east and a departure yard to the west. We have an arrival from the west and a departure to the east.

BY THE CHAIRMAN:

Q The arrival yard from the east, is that a separate yard?

A It is a part of what we call F yard.

Q I know, but it is one yard and then the departure yard to the west, is that a different yard?

A No, sir, it is not. The arrival yard, what

we call the arrival yard is F yard, sir, and it is numbered from 1 to 24. The arrival tracks from the east are numbered from 1 to 7.

HON. MR. McLAURIN: Do you mind me interrupting here. I am speaking as a layman, and just looking at that in coming in on the train, that is a great big area running east and west, and to a layman it would be one great big railway yard, isn't that so?

MR. SINCLAIR: That is so, sir.

HON. MR. McLAURIN: It runs east and west and spreads north and south, and the yard is so big because of the grain movement, I suppose, is it?

MR. SINCLAIR: It is a main terminal.

HON. MR. McLAURIN: And everything bottles into Winnipeg to go to Fort William?

MR. SINCLAIR: That is right.

HON. MR. McLAURIN: All the grain from western Canada?

MR. SINCLAIR: We have some from Alberta to the Pacific coast, sir, and I was wondering, in view of my error in placing Lake Louise the other day --

HON. MR. McLAURIN: I am not objecting to that, as long as we sell it.

MR. SINCLAIR: Most of the grain from a drawn line/through Swift Current moves to the east, and it all goes through Winnipeg.

HON. MR. McLAURIN: But you have a Winnipeg yard, and apart from some industrial switching

you may have, it is one big huge yard, and not spread all over like Montreal, like St.Luc, Hochelaga and you do not have all these transfers from one yard to another.

MR. SINCLAIR: That is correct, in part.

BY MR. SINCLAIR:

Q I was going to ask the witness -- you have one yard outside the main yard, and where is that?

A We have one yard out at St. Boniface, and we have another yard that is five and a half miles approximately east of Winnipeg main yard and it is called Transcona. It was used some years ago in the heavy wheat rush as a wheat yard.

Q But other than St. Boniface yard and the yard at Transcona, your yard work, except industrial switching, is done in the main yard, that is right on the main track of the Canadian Pacific?

A Right on the main track of the Canadian Pacific, north of the two main lines.

Q North of the two main lines?

A Yes sir.

Q Have you any humps in Winnipeg?

A We have a north hump and a south hump.

Q Are they mechanical or manual?

A Manual.

Q Both of them?

A Both of them.

Q I should ask you, Mr. Kelley, so that we could have the relationship, about that St.Boniface yard

What is its capacity, about how many cars?

A About 250.

BY THE CHAIRMAN:

Q That is it holds those cars at any one time, is that what you mean?

A Yes, sir.

BY MR. SINCLAIR:

Q How many assignments have you working in the Winnipeg yard?

A 87, sir.

Q How many assignments have you working in St. Boniface?

A We have 9 regular assignments on week days.

Q Is that 9 included in 87 or not?

A That is included in the 87.

Q So when you said there were 87 in Winnipeg, that is in Winnipeg including St. Boniface?

A I included the Winnipeg terminal.

Q The Winnipeg terminal has 87 assignments, St. Boniface having 9 out of the 87?

A Nine out of the 87 around the clock.

Q Have you a regular assignment at Transcona?

A There is one transfer engine that goes out there each day and switches the elevator and the wood preserving plant, that is all.

Q Now, are any of your engines radio equipped in Winnipeg terminals?

A Yes, sir, we have I think six. The reason I say, "I think" is that there were some in the process of being equipped when I left Winnipeg and they

should be equipped by this time. It would give us a total of six.

Q Where are they assigned?

A There are three of them assigned at St.Boniface and there are three assigned at the present time on the south side, what is known as "I" yard; that is an industrial yard.

Q In an industrial yard south of the main line?

A South of the main line.

Q Is there a talk-back system in Winnipeg terminal?

A Yes, we have a large tower, some 90 feet high and 57 speakers at strategic points in the yard where we can contact the yard crews and they can also contact the tower.

Q When you say "yard crews" what do you mean by that?

A The foreman, the yard foreman or helper or engine follower or the field man, whoever is close to the speaker when the man in the tower calls for whoever he wants to contact.

Q Can they contact engine crews with this talk-back system?

A If the engine crew was close to the speaker they could hear him.

Q But do they use it to get in touch with engine crews?

A No, sir.

Q It is used to get in touch with ground crews?

A Ground crews, yes sir.

Q Mr. Kelley, how are signals relayed in Winnipeg terminals, leaving aside your radio engines?

A Signals, including radio?

Q Excluding.

A Excluding the radios?

Q Yes.

A Signals are relayed by hand from the ground crews to the engine.

Q By ground crews on the engine, did you say?

A From ground crews to the engine, with the exception of the north hump which has a semaphore, which is used for bringing trains from the arrival yard to the hump for classification to the outgoing westbound yard.

Q To whom do the ground crew give the signals on the engine?

A To the engineer.

Q Is there any exception to that?

A Not that I know of.

Q In the Winnipeg terminals, have you ever seen the fireman being used as a signal passer?

A Only on two occasions.

Q Where were they, can you recall them?

A I recall them when I first came here --

Q First came to Winnipeg?

A Pardon me. When I first came to Winnipeg in 1951, at the west end of the depot.

Q What kind of switching were they doing?

A They were shoving up from the coach yard into the station track.

Q What action did you take, if any?

A I asked the foreman why the signals were being given on that side.

Q On what side?

A On the north side, or the fireman's side, and he did not have any plausible excuse any more than they just happen to give them to him. I told him that was not the proper way to pass signals to the engine crew. They should be passed direct to the engineer.

BY HON. MR. MARTINEAU:

Q In what part of the Winnipeg area?

A That was the west end of the depot, what was known as Princess Street.

BY MR. SINCLAIR: .

Q And both of those occasions took place on moves in that area?

A In that area, yes, sir.

Q And did you tell both crews the same thing?

A I told them I did not approve of them giving signals on the fireman's side. We want the signals passed direct to the engineer.

Q Why did you take that position?

MR. LEWIS: May I ask if the witness has covered both cases or was there only one?

THE CHAIRMAN: Both cases.

MR. SINCLAIR: I asked him a question and he said he had told the same thing to both crews, as I recollect his evidence.

BY MR. SINCLAIR:

Q Why did you take the position, Mr. Kelley, that signals should be given direct to the engine-man?

A Because it is a practice over a number of years in fact ever since I started on the railroad. Another feature is that it is much safer, much easier in industrial work to pass signals direct to the engineer than to pass them through a third or fourth party or a second party.

Q What do you mean a third or fourth or second party?

A In my experience as a yard foreman, working on a lead or working in an industrial area, I took the position that as long as the engineer could see my lantern, that I was the man he was to take the signals from. If, in any case, my lamp went out of sight or he got out of sight of me, then he would take signals from the engine follower or field man, whichever was between myself and the engine.

Q Now, you say you took that position could you tell the Commission what was the action taken by other yard foremen that you worked with?

A Other yard foreman that I worked with in Calgary yard took the same position as I did.

Q Did you give any instructions as to the proper placement of ground crews when you were hiring yardmen?

A We have a safety agent, and when he is taking these men out for safety instructions, and for the purpose of instructing them in how to properly give signals we instruct them that, in all cases, they must keep in sight of the engineer, where they can see the engineer and the man that they receive the signals from.

Q In Winnipeg have you any assignments, Mr. Kelley, that have more than a ground crew of three?

A Yes, sir, we have two.

Q How many ^{have} those assignments on their ground crews?

A They are composed of the foreman and three of what we call helpers, engine follower and two field men.

Q As well as the foreman?

A Composed of the foreman and three helpers, yes; engine follower and two field men.

HON. MR. McLAURIN: A ground crew of four instead of three?

MR. SINCLAIR: Yes.

BY MR. SINCLAIR:

Q Where do these assignments work, what do they do?

A One of the assignments works in the industrial area known as "B" yard and the other assignment works in the Winnipeg freight shed.

Q Why do you have an extra member of the ground crew?

A In the area in "B" yard, the extra member of the ground crew is used for the sole purpose of controlling the cars when they are pushed into these various spurs, as all of these spurs are on a grade, a very heavy grade, and everything that you spot or place at the warehouse doors or the platform has to have the brakes set on it to hold it.

Q Immediately it is placed?

A Immediately it is placed.

Q And it is for that reason you have the extra man there?

A We have the extra man on top to secure the cars, and the normal ground crew of three men is for passing signals to the engineer.

Q Now, this safety supervisor you have working in the Winnipeg terminals, if he were taking a man out, would he take him to a spot like that and show him how it was done, would that be the way he would do it?

A He would take him to a spot where he could show him the different types of brakes, how to apply them, how to let them off and also instruct him in the proper manner of giving signals.

Q By the way, Mr. Kelley, what kind of background would the man who is giving instructions have, what kind of background would he have?

A He is an old -- I do not say old -- he is a yardman who was incapacitated in the Winnipeg

terminals. In fact, he lost his foot.

Q Have you ever been there when he has been instructing people?

A On several occasions, yes.

Q Have you ever heard him instruct men in the proper relaying of signals?

A Yes, sir.

Q And the position, the side of the engine they should be on, the ground crew?

A Yes, sir, he is very particular that they be in position at all times, that they are in sight of the engineer because normally, unless the foreman says otherwise, a new man going out, is, as a rule, placed as the engine follower.

Q Who has the placing of the ground crew?

A The foreman.

Q How does he decide where the men will be placed?

A It all depends, ⁱⁿ his judgment, on the ability and fitness of the man for the position he puts him in.

Q Would that vary with the moves or would it be the same all through the shift?

A It would be the same for all through the shift until the foreman possibly felt that the new man had acquired knowledge enough maybe to take over a field position, which requires a little more knowledge than a new man, who is usually following the engine.

Q Based on your experience, is following an engine a difficult task?

A It is not too difficult if you follow the instructions you have received and watch that you keep in sight of the foreman and the engineer.

Q Now, Mr. Kelley, at Winnipeg terminals if a movement was going into a track to do some switching in that track, couple up we will say and then going to pull the track back, to the lead, how would the ground crew position themselves in Winnipeg terminal?

A It would depend on the circumstances surrounding the track that they were going to pull. If the track was straight, the proper position for the engine follower is at the lead switch. If the track is on a curve where it is necessary to have him go back to pass signals, while the track is being coupled up by the foreman and the field man, that is where he should be.

Q And on the reverse movement out, where should he be?

A On the reverse movement out he should, if the track is curved to the right or on to the engineer's side, he could ride out possibly maybe two or three cars. If the track was curved to the other side, and there was any doubt about --

Q Does that mean the left side?

A A left side curve, and there is any doubt about the engine crew not being able to see what is on the lead, he would get on the front of the engine, if the engine were heading in that direction -- I am assuming that this movement is being made with the cab coupled to the cars.

Q You are talking about a diesel?

A Well, yes, I am talking about a diesel now.

Q How many diesels have you working in Winnipeg terminals at the present time?

A We have 24.

Q Twenty-four diesel yard engines?

A Yes, sir.

Q How many steam engines have you?

A Well, I am not prepared to give you an exact figure because --

Q It varies, does it?

A Well, assignments do vary around the clock with steam engines.

Q Well, approximately how many steam engines?

A We have approximately 12 steam engines in that terminal right now.

Q And some of them would not work the whole three shifts, is that what you mean?

A No, the 24 to 8 shift, according to my last figures, there were only four of them engines worked.

Q That is four of the twelve steam engines?

A Of the steam engines, yes, and the rest of the assignments were covered by diesels.

Q Now, you said in giving your answer you were talking about the cab end being coupled to the box cars. If it were cab end first coming out of the yard track on to the lead, where would the engine follower position himself?

A It might be on the side steps of the cab or

it might be back behind -- he may have to be on top. It would all depend on the movement that was going to be made out of the track. The foreman might instruct him when he went into the track that he possibly would want to pull down and stop short. What I mean by "stopping short" is to pull the track down and then leave some cars on the track, pull the pin on what you want, take them out on to the lead. In that case he would stay back behind the engine where he could see the signals if they were on a curve.

Q And on the reverse movement, he would remain there?

A Yes, if they were going to make a cut on the track.

Q Who would the engineer rely on for observation of the lead switches on the lead or the alignment of the lead? I mean to see if the route is still lined up?

A He can see when he approaches the lead and if the cars on the tracks on each side of his movement are not too close to the lead to obscure his view, he would slow down gradually and move out, he would slow down until he could see if his route was all clear and there were no cars foul.

Q If he could not see that the route was clear and there were no cars foul, what would he do?

A Stop until the engine follower got down to

the lead.

Q In Winnipeg terminals on such a move as that does the engineman or does he not rely on the fireman to make observations?

A That I could not say. I have not been up around or happened to be there when the engineer has asked the fireman for any information on his side of the engine.

Q Is it necessary on your moves in Winnipeg, in your switching operations, to have the fireman make observations, in your opinion?

A No, sir, it is not.

Q Never?

A Pardon?

Q Never?

A Never, in my opinion.

Q Why are you so positive?

A Well, knowing the terminal and the spurs the way I do I cannot feature where there is any spot where it is necessary for the fireman to have to take signals or advise the engineer on conditions on his side.

Q Do you have firemen on your yard diesels in Winnipeg?

A Yes, sir, we do.

Q What do they do?

A I could not say. I am not in a position to say what they do, only in cases where I notice them going by and sitting looking out of the window and watching the direction of their movement.

Q Mr. Kelley, in your opinion, who is best qualified to express an opinion on switching movements, a yardmaster or an engineman?

A In some cases, it would be the yardmaster, depending upon his experience, probably as a yard foreman, and in other cases it would be the yard foreman. I would not say the engineer would be a qualified man to express an opinion on switching moves.

Q Why is that, Mr. Kelley?

A Well, he is not in a position to get the necessary knowledge in switching.

Q How does he carry on his work on it?

A By following the signals given to him by the ground crew.

Q If firemen were not on the yard diesels at Winnipeg, how many additional assignments would you have to have to get your regular work done that you are doing now?

A We would have to have no additional assignments.

Q In your opinion would the work be slowed up by the removal of the firemen from the yard diesels?

A No, sir, in my opinion it would not.

Q If firemen were removed from the yard diesels in Winnipeg terminals, Mr. Kelley, what effect, if any, in your opinion would it have on the safety of your operations in the terminal?

A It would not have any that I can see.

Q Is there any place in Winnipeg terminals where

there is restricted clearance on the side, on the engineer's side, at Winnipeg?

A We have several places that we have restricted clearance signs on the engineer's side.

Q At Winnipeg terminals?

A Yes.

Q Where that situation exists, Mr. Kelley, how do they do the switching?

A A ground crew gives the signals to the engineer.

Q How do they position themselves?

A It all depends on what spurs they are in. We have clearances posted that are not sufficiently close to obscure the signals being passed, although they are too close for a man riding on the side of the car.

Q In those cases, how do they pass the signals?

A They might be in on a platform alongside and so able to pass it along the side of the car as it comes in.

Q In making switching moves at Winnipeg with restricted side clearance but with no overhead restrictions, do your men ride on the tops of cars?

A Yes, sir.

Q Is it unusual to see yardmen riding on tops of cars in Winnipeg terminals?

A No, sir.

Q Isn't that dangerous up there, Mr. Kelley?

A No, sir.

MR. LEWIS: I think my friend is putting

his questions a little too much in the leading direction, with a very qualified yardman at the point of the movement, if I may say so. .

THE CHAIRMAN: You think the questions are too leading?

MR. LEWIS: I think so, sir, the last few have been.

THE CHAIRMAN: Well, Mr. Sinclair, you govern yourself accordingly. There are certain areas where that does not apply.

MR. SINCLAIR: I shall try to make my questions as devious as Mr. Lewis' have been and see what the result is.

MR. LEWIS: My learned friend is in a hurry to get through with the evidence of this witness, so I do not think he had better start throwing adjectives like those as I might throw several just as sharp back at him with a great deal more justification.

MR. SINCLAIR: I did not know that I was throwing sharp adjectives.

THE CHAIRMAN: We will not have any contest. Let us have the next question.

BY MR. SINCLAIR:

Q Mr. Kelley, if you see yardmen riding on the tops of cars in Winnipeg, what do you do?

THE CHAIRMAN: If anything?

BY MR. SINCLAIR:

Q If anything?

A I do not do anything.

Q Why don't you?

A Well, why should I?

THE CHAIRMAN: I take it that is an answer and not a question.

BY MR. SINCLAIR:

Q In your opinion, Mr. Kelley, is it safer for a yardman to be on the ground or on the tops of cars?

A Well, that is quite a difficult question.

THE CHAIRMAN: I suppose the ground does not move but the car does.

THE WITNESS: Yes, and you cannot very well fall off the ground but you can fall off a car if something happens.

THE CHAIRMAN: It seems obvious.

BY MR. SINCLAIR:

Q Have you had difficulty with yardmen falling off cars in Winnipeg terminals, Mr. Kelley?

A Not to my knowledge.

Q In your experience have you ever had a yardman fall off a car, the top of a car, during a switching move?

A I have never in my recollection known of a man to fall off the top of a car in a switching move, unless you would call a car being ridden off a hump and contacting other cars and a man falling off, a switching move.

BY THE CHAIRMAN:

Q Do they still have those wires or lines stretched across a track above the top of a box car, with

the streamers hanging down from them?

A They do in some areas, but I have not seen one of them, sir, for years. It is what they used to call a tell-tale.

Q What was the purpose of it?

A For warning anyone riding on the top of a car that there was not sufficient clearance ahead, like going through a bridge or under any low object.

BY MR. SINCLAIR:

Q When you say you have not seen them for years, do you mean in yards?

A I never saw one in a yard.

Q Where did you see them?

A I used to see them when I was on the road when I was a trainman down in the United States.

Q When were you a trainman in the United States?

A Before I came to Canada.

Q How old are you?

A Well, I am like the woman, I do not like to tell my age. I am not ashamed of it, I am 64 and 11 months.

Q You were telling the Commission you could not recollect a yardman falling off the top of a car during a switching move. Where do you think a yardman should position himself on the top of a car during a switching move?

A As close to the centre of the car as possible

and keeping in view of the engineer so he can pass signals.

Q How far in your opinion could he get to the end of the car, safely?

A To the end of the car?

Q Yes?

A I would not advise any man to get closer than 10 feet toward the end of the car.

Q Now, you said the only time you can recollect a man went off the top of a car, a yardman, was during a humping move?

A Yes.

Q What kind of person would be on top of a car during a humping move, Mr. Kelley?

A A yardman.

Q What is he doing?

A He goes up there with a brake club, if it is the perpendicular type of brake, he goes up with a brake club to control the car down the hump.

Q Does he ride the car over the hump?

A He gets on top of the car as it reaches the apex of the hump or just a little before.

Q And does he ride it down?

A He rides it down into the classification yard, whichever track he is going into.

Q Are they always able to control the car that way?

A To my knowledge they control them that way.

Q Why would the man fall off, then, that you

were recollecting just a little earlier in your evidence?

A Well, that was just brought home, just a flash to me, and this happened in Calgary when I first went to Calgary, as I recollect it, and the brake chain broke when he was putting the brake on.

Q That was a defect?

A A defect in the brake chain.

MR. LEWIS: Would that be a hump rider?

BY MR. SINCLAIR:

Q Would he be a hump rider?

A Yes, he would be a hump rider.

MR. LEWIS: That is what the witness was describing?

MR. SINCLAIR: Yes.

BY MR. SINCLAIR:

Q Is that the only man you can recall?

A That is the only man I can recall.

BY THE CHAIRMAN:

Q Do you have yardmen in Winnipeg yard using skates?

A No, sir, we do not have them there.

BY MR. SINCLAIR:

Q Mr. Kelley, in switching at Winnipeg, in furtherance of the question put by the Chairman, who do you rely on to see that the car is not pushed through a track foul at the far end of the move?

A We rely on the ground crew that is putting cars in that track.

Q How do they know that they have pushed a track foul?

A Because they should not push any track until they have a man on the point of the car before they push it.

Q Let us take, as an example, the track that holds 35 cars and you are going to couple it up, join it up. Would you please tell us the place of the ground crew on that kind of a move?

THE CHAIRMAN: Are you going to pull them out or push them in?

MR. SINCLAIR: Just couple them up.

THE CHAIRMAN: Couple a locomotive up to these cars?

BY MR. SINCLAIR:

Q Couple up these cars, on a track of 35 cars. There may be three cars and five cars and ten cars or so on, and we are just going to couple up the whole 35 cars on the track. How would you do it?

A Before I would couple up a track, in this case a track holding 35 cars, and that had 35 cars in it, I would have posted a man at the opposite end before I started coupling up.

THE CHAIRMAN: You mean by the word "coupling" there, a locomotive pulling the cars?

THE WITNESS: He pushes the cars and sometimes he has to pull away until they open what we call the knuckle for coupling, then he couples them up and stretches it out, and then maybe ten cars farther down there is another coupling that is not made and he has to pull away --

THE CHAIRMAN: So he gets a signal every time that is necessary?

THE WITNESS: Every time a move is made he gets a signal from the ground crew. The reason we would send a man to the other end is that if this track holds 35 cars and there were 35 cars in there, we cannot afford to take the chance of making these couplings and pushing that car foul of the lead at the other end.

BY MR. SINCLAIR:

Q If instead of having 35 cars on the track you had 20 on the same track and you were going to couple them up, what would you say then?

A The same procedure would take place.

Q You would still protect the lead at the other end?

A Yes.

Q Why do you do that, Mr. Kelley?

A Because in making these couplings, they are mechanical, and you cannot always rely on them 100 per cent, on a coupling coming together, and the locking block that holds the coupling dropping into place, which would allow the car

to run away and it might run down and be foul of the lead before you could stop it.

THE CHAIRMAN: Supposing that happens, what does the man do at the far end that was sent down there?

THE WITNESS: He gets up and sets the brake. In most cases, in cases where 35 cars are concerned, he would probably want maybe two or three brakes set before they started to couple, so there would be no chance of pushing them out.

BY MR. SINCLAIR:

Q At least in your experience with your men in the yards, generally, if cars are placed on a yard track near a lead, do the yardmen tie the brakes down or do they not?

A What was that question again, sir?

Q If cars are placed on a yard track close to the lead, what is the practice? Do the yardmen tie the brakes down on the cars or do they not?

A That is the instruction we have.

Q What is the instruction?

A That the cars must be secured, so that they will not be moved if a coupling is made to them. The person that is coupling to the cars must see that they are secured before the couplings are made.

Q Did you always do that when you were yard foreman, Mr. Kelley?

A Yes, sir, I did. I worked in a gravity yard.

Q What do you refer to there, Calgary?

A Calgary, the gravity yard in Calgary.

Q What yard?

A The east yard is a gravity yard, eastbound; every car you put in there in the east end of that track, the yard runs east and west, you have to have that tied down well. If you do not, you are not protecting your own life, and I was too worried about my life to have them come out on me.

Q In Winnipeg, do they tie them down?

A I have seen them tied down, yes.

Q Do they, as a general practice?

A As a general practice, if they are close to a lead, yes.

Q Have you ever checked them?

A I have checked some of them, yes, sir.

Q In Winnipeg yard, at about what speed do you do your switching?

A Between one and six miles an hour, around in there.

Q Are you covering industrial and yard in that answer or just yard alone?

A So far as I am concerned, there is no difference in the industrial or main yard. It all depends upon conditions in the industrial yards that you are working in.

Q Is industrial switching, generally speaking, slower than yard switching or faster?

A It is generally speaking slower because you are shoving into short spurs, up against stop blocks, and in some cases up against end platforms.

Q Have you sidings in Winnipeg that require these kind of moves that you have just described?

A We have some sidings there, yes.

Q That have all the types that you have just described?

A Yes, we have end platforms and stop blocks.

Q Have you ever told your crews that were switching, we will say, at six miles an hour that they could speed it up a little bit to get more work done?

A No, sir.

Q Why are you so definite about that?

A I never told any crew to switch over the switching speed limit which is four miles an hour when coupling cars to safeguard the commodities in the cars.

Q If the switching speed rate is four miles an hour on couplings, how do you get up to six miles an hour in general switching?

A You may be switching on a lead that the cars could be cut off at six miles an hour and by the time they went through a series of cross-overs and turn-outs and reached the point of coupling they would be slowed down until possibly the coupling would not be more than three miles an hour.

Q Would that car be running free?

A The car would be running free, yes.

Q If I wanted to kick, say, a cut of three cars into a yard track, and the track was clear and

I wanted to put them along way down, wouldn't I travel more than six miles an hour when I kicked the cars?

A If you wanted to put them along way down and wanted to kick them possibly maybe you figure you want to kick them at eight miles an hour, you had better put somebody on them to control them at the other end.

Q In the Winnipeg yard hump operations do you have riders on the hump?

A Yes, sir, we do.

Q Have you checked the switching of passenger trains in Winnipeg station?

A Yes, sir, on various occasions.

Q A lot of people around there?

A Oh, yes.

Q When you bring a train into that station from the coach yard at Winnipeg, do you push it in, push the cars in or do you pull them in?

A It all depends on the time of the day when the movement is being made.

Q Say they are making up the night train for the east at Winnipeg?

A The cars would be pushed in.

Q How would the ground crews position themselves when they push that draft of passenger equipment into the Winnipeg terminal?

A There would be a field man that would be on the point car on the south side, the engineer's side; the foreman would position himself south

of the track at the point of the curve coming out of the coach yard where he would be in view of the field man on the point car and in view of the engine follower just back close to the engine.

Q Now, how are your engines headed in the Winnipeg terminals?

A East on most occasions.

Q Can you say, on that move, cars would be coupled to the point of the engine?

A To the point of the engine.

Q That is the engine part, not the cab part of the locomotive?

A The engine part.

Q It would be the engine part of the diesel locomotive?

A Yes.

Q Do you use a back-up hose on that move?

A No, sir.

Q Do you use a back-up hose on any of your switching moves in Winnipeg, Mr. Kelley?

A No, sir. The only one I know of that uses a back-up hose is our oil engine which goes to East St. Paul, and that is a Kenora division crew.

Q That is outside the terminal or is it in the terminal?

A He eventually goes outside the terminal and back in.

Q Is that a move made with a yard crew or a road crew?

A It is made with a road crew and a diesel engine.

Q Have you ever ridden that, actually ridden that movement, that back-up movement with the road crew?

A No, sir, I have not. I have just noticed them going out with the back-up hose on the caboose.

Q Have you ever worked a back-up hose on a movement yourself?

A Yes, sir.

Q Not in Winnipeg?

A No, sir.

Q Where?

A At Windy Lake Pit, out of Sudbury.

Q That is a long time ago?

A Yes, sir.

Q A back-up hose, then, is not a very new thing in railroading?

A No, sir.

Q Is it generally used in switching, Mr. Kelley?

A No, sir, not to my knowledge.

Q Now, I wish to take you to Calgary and before I do, sir, perhaps --

THE CHAIRMAN: We will adjourn until tomorrow morning at ten o'clock, if that is satisfactory

--- The Commission adjourned at 4.00 p.m.
until 10.00 a.m. on Wednesday, March 20,
1957.

Amended
July

ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY

13

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FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Wednesday,
March 20, 1957.

PRESENT:

Hon. R. L. Kellock	Chairman
Hon. C. C. McLaurin	Member
Hon. Jean Martineau	Member
Douglas M. Fraser	Secretary
A. R. Winship	Asst. Secretary

APPEARANCES:

D. W. Mundell, Q.C.	Representing the
C.J.A. Hughes, Q.C.	Commission
I. D. Sinclair,	Representing the
John Pearson	Canadian Pacific Railway Company
David Lewis, Q.C.	Representing the Brotherhood of Locomotive Firemen and Enginemen.

- - - -

Wednesday,
March 20, 1957.

THIRTEENTH DAY

MORNING SESSION

--- The Commission resumed at 10.00 a.m.

- - -

HOWARD ROSS KELLEY, recalled,

EXAMINED BY MR. SINCLAIR

Q Mr. Kelley, before adjournment I was going to ask you some questions about Calgary, but before doing so there are two or three general questions I would like to ask. Would you give your opinion on these for the benefit of the Commission. First, for yard work which would you prefer, steam or diesel motive power?

A I would prefer diesel motive power.

Q Why?

A You get away from all steam conditions and the flexibility of diesel power is much greater than steam power for terminal work and the turn-out of power off the shop track is faster than it is with steam power.

Q How would you compare the view of the engineman from a steam engine with that of an engineman from a diesel?

A The view from the diesel engine from the engineman's point of view would be much greater than that on a steam engine. He has large windows in front and a clear view at the back of the cab which he does not have on a steam engine.

Q You said when you were describing Winnipeg, you mentioned that there was a semaphore signal on the hump. Later on you mentioned there were two humps. Is there a semaphore signal on each hump or just on the one at Winnipeg?

A No, just on the north hump.

Q Any movement being pushed to that hump, is it controlled by that semaphore signal completely?

A They are controlled by the semaphore signal, but in ~~a~~ ^{some} conditions they are controlled by a member of the ground crew until the semaphore signal is in full view of the engineer.

Q You said you still had some steam engines --

MR. LEWIS: The semaphore signal, is that a board? I had originally thought that what was usually meant by a semaphore was something that you talked through, but this is a fixed signal.

THE CHAIRMAN: That is my understanding, that a semaphore is something on a board that moves.

BY MR. SINCLAIR:

Q Is that correct?

A That is correct.

Q What the Chairman is correct?

A Yes sir.

Q Mr. Kelley, in spotting cars or in pushing a cut do yardmen sometimes ride on top?

A Yes sir.

Q How many of them?

A There might be one or there might be three, it all depends on the length of the cut and the conditions they are pushing into.

Q For example, take a cut being pushed and an exact spotting being required by a man on top, what effect would making the exact spotting have

on the man or men riding on top?

A The man on the point car would place himself as close to the middle of the car as possible and would be subject to very little slack action, which he would be in a braced position and prepared for. The man in the middle of the cut, if there were three men on the cut, would be prepared for a certain amount of slack action which would not be near as great as the man would receive from the point. The man next to the engine would place himself within approximately four or five or six feet from the end of the car and would receive very little slack action in that position.

Q Does the placement of the men depend upon the length of the cut?

A The length of the cut? Just how would you mean that?

A Is there more or less slack action depending upon how many cars you have in the cut?

A The longer the cut the greater the slack action on the point.

BY THE CHAIRMAN:

Q So that I understand. I understood yesterday you said you would not place a man within ten feet of the end of the car?

A That was correct, but I had in mind the point car of the cut. The point car of the cut being shoved in is what I had in mind.

BY MR. SINCLAIR:

Q Is there a difference in the slack action depending upon the number of cars in a cut, was my question.

A Yes sir.

Q In answer to a question you explained that the car next to the engine being pushed -- is there slack action there?

A Very little.

Q Why?

A Because the couplings in there -- the movement of the car would be very slow with the couplings after they are made -- there is very little, I would not say more than maybe two inches spring action in between the two drawbars.

BY THE CHAIRMAN:

Q You are saying how you would place the men there, how you would locate the men in those positions. Is that something theoretical or is that something based on practice that you have seen?

A That is the practice, where we place those men.

BY MR. SINCLAIR:

Q Have you ever done it yourself?

A Place men in that position? Yes sir. We had to do it.

Q Have you ever ridden in those positions yourself?

A Yes sir.

Q Would the correct way to summarize it be that when you are pushing a cut the slack action is bunched?

A Yes sir.

Q Then when you stop the engine it holds the car that is immediately next to the engine?

A Yes sir.

Q That is why there is not much slack action on that car?

A There is not much slack action on the car next to the engine and what little slack there is on the car is bunched. It is all bunched together.

Q Now, based on your experience at Winnipeg as Assistant Superintendent and as Superintendent, would you please tell the Commission what mechanical adjustments are made on yard diesels by the firemen, if any, when a yard engine is out working?

A There are none to my knowledge.

THE CHAIRMAN: That is a diesel?

MR. SINCLAIR: Diesel, yes.

BY MR. SINCLAIR:

Q On a yard diesel, say you had a ground relay out in the yard, what would happen?

A We would call the maintainer.

THE CHAIRMAN: Has that term been explained, ground relay?

MR. SINCLAIR: We had that phrase before, and we are having a mechanical witness who is going to explain all these devices. That is one of the protective devices.

THE CHAIRMAN: What would be the result of that?

MR. SINCLAIR: The result is that it shuts down the engine.

BY MR. SINCLAIR:

Q Mr. Kelley, on the steam engines that you now have working at Winnipeg -- you said you had some yesterday?

A Steam engines, yes sir.

Q Working at the Winnipeg terminals?

A Yes sir.

Q What kind of steam engine are they, oil-fired or coal-fired?

A They are oil-fired; they are all oil burners.

Q When did you get rid of your coal-fired engines?

A We got rid of the last one approximately four months ago.

Q The steam engines that you had in Winnipeg, were they stoker-fired or hand-fired, in the yards?

A Hand-fired.

Q When you were in Calgary working there as *General Yardmaster* Superintendent did they have steam engines?

A Yes sir.

Q When you were working with the steam engines, what kind were they? Were they coal-fired or oil-fired?

A They were coal-fired, fired by hand. There were no stokers used in the yard.

- Q When you were ^{General Yardmaster} ~~Superintendent~~ did you get some oil-fired engines?
- A We had some oil-fired engines.
- Q When you left in 1951 did you have any coal-fired hand-stoked steam engines in Calgary, in 1951 when you left there?
- A I do not recall that we had any left there.
- Q I cannot hear you.
- A I do not recall that we had any there at that time.

- Q Well, now, when you were working in Calgary on the ground as a yard foreman and as foreman what kind of steam power were you working with?
- A We had what is known as the Mother Hubbard engine 6800; we had 3400's; we had 3500's, 3600's, 5700's and some 6600's.
- Q The Mother Hubbard is 6800. Mr. Chairman, it is Exhibit 32. 6600 is Exhibit 33. Did you mention 6900?
- A No, I do not think I did, but I should have. There were 6900's there as well.
- Q That is Exhibit No. 31. Now, did you ever work with this Mother Hubbard type of engine as a yardman and yard foreman in Calgary?
- A Yes.
- Q How many did you have there?
- A If I recollect right, we had three, 6828, 6809 and 6826.
- Q What assignments were they on in Calgary when you were working with them yourself?
- A The 6828 was on what we called the midnight transfer, an industrial engine.
- Q Yes?
- A The 6809 was used to some extent on what were known as the Ogden job.
- Q The other one?
- A The 6826 was a tramp engine. It was only there, if I recollect right, for a short period and then it was sent to Red Deer.

Q Now, when you were working on these various jobs with the Mother Hubbard type of engine, did you or did you not change your method of conducting switching operations?

A I did not, sir. The switching operations was carried out just the same on that engine as any other engine I worked with.

Q When that Mother Hubbard engine was on industrial work, Mr. Kelley, and there was need for communication between the fireman and the engine, could it be done?

A Very difficult to communicate between the fireman and the engineman unless they stood up in the cab and talked to the man, back across the cab either to the fireman or engineer.

Q Can you see over the boiler?

A You could if you stood up, yes.

Q Were they quiet engines?

A Well, as quiet as any steam engine when it is working.

Q Is it noisy or is it quiet?

A Well, what I mean by that is there is a certain amount of noise when you are working an engine, caused by the engine and movement around the track, a certain amount of noise goes with it.

Q Can you talk above that noise in a normal voice?

A In the engine, you mean?

Q Yes?

A I could not say; I never was in the engine and

tried to carry on conversation in them Mother Hubbards.

Q When you were working with that type of engine, Mr. Kelley, did you estimate about how much coal you would burn on that type of engine on a shift?

A As far as I can recollect it would run around between 7 and 9 tons.

Q Each eight hours?

A Each eight-hour shift, depending upon the heaviness of the work the engine was doing.

Q In using these Mother Hubbards or other types of steam engine that you have mentioned, were you able to carry out your switching work expeditiously, or were you not?

A Had no difficulty in carrying out our work in an expeditious and safe manner.

Q When you were working in Calgary for the many years you were working there, would you please tell the Commission how signals were relayed from the ground to the engine; that is, from whom to whom?

A Signals are relayed to the engineer from the foreman to the field man, to the engine follower, who in turn relays them to the engineer.

Q When you worked in Calgary, Mr. Kelley, or anywhere that you supervised in Calgary, was there, in your opinion, any location there where it was necessary to use the fireman as a signal passer?

A No, sir, I do not recollect using the fireman or seeing him being used as a signal passer while I was in Calgary.

Q Your answer would cover your industrial work as well as your straight yard work?

A Yes, sir.

Q Now, would you please explain to the Commission how humping is done at Calgary, what kind of signals are used on the hump at Calgary?

A Semaphore signals, as was explained, boards.

Q You said "signals". Are there one or two?

A There is four lights on this signal mast which can be put into different series of signals to bring trains to the hump.

BY THE CHAIRMAN:

Q They are electric?

A They are electric, yes, sir; and the procedure we had there --

BY MR. SINCLAIR:

Q The procedure you had there --

A The procedure we had there -- there was two hump engines, and we had one set of signals on this board for what we called the hump engine that was the superior engine; that is, it is not superior to the other one but we had to give it a name of some sort. The other one was assistant hump engine. When the hump engine went around the track in the receiving yard to push to the hump after he had coupled on to the track and

stretched it -- what we ^{man} ~~man~~ by that is ^{pulling} ~~pushing~~ it back to see if the couplings are all made, then the foreman in this crew was on the hump. He gave the necessary signals to bring the train to the hump. The engineer did not take that signal until he received a signal from the engine follower who was placed near the engine from the man, field man, on the point of the train.

Q Why did they do that?

A To preclude any possibility of anyone coming out foul and occupying the lead after the signal was given to bring the train to the hump.

Q That is a manual hump?

A That is a manual hump, yes, sir.

Q In Calgary on these hump jobs, I think you explained yesterday that there were hump riders. Did they or did they not employ switch tenders?

A They employed hump riders and switch tenders.

Q Based on your experience, Mr. Kelley, in Calgary, in your opinion, if the firemen were removed from yard diesels, what if any effect would it have on safety of operations in Calgary terminals?

A Have no effect whatsoever as far as I can see. Ground crew would be placed in a position to take care of any safety measures necessary.

Q What about the operation -- what about the efficiency of your operations in Calgary terminals? Would you have to have more

assignments if firemen were not on yard diesels?

A No, we would not. []

Q Now, Mr. Kelley, you explained to the Commission you have spent some 43 years in yard work. Did you in those 43 years ever have, or were you ever around, when there was a case of an engineer suffering a blackout or a seizure when operating a yard locomotive?

A No, sir, to my recollection, no, sir.

Q Did you ever hear of one?

A I never heard of only one which I believe Mr. Shepp mentioned took place in Vancouver.

Q Based upon your experience, Mr. Kelley, in Winnipeg and at Calgary where it has taken place, do you think that equipping yard diesels with dual controls would be of assistance if firemen were removed?

A No necessity to equip engines with dual controls as long as the ground crews are in their proper position. opⁱⁿ ✓

Q Based on your experience in yard work, if firemen were removed from the diesels what is your opinion as to the need for a deadman control on yard diesels?

A I do not think it is necessary. ✓ opⁱⁿ

Q Now, Mr. Kelley, at my request you made some observations. I have here a summary of the observations you made, entitled "Summary of

Observations made by Superintendent H. Kelley of work performed by firemen during preparatory inspection. Winnipeg Terminal."

THE CHAIRMAN: Exhibit No. 69.

EXHIBIT No. 69 -- Summary of observations made by Superintendent H. Kelley of work performed by firemen during preparatory inspection period, Winnipeg terminal.

BY MR. SINCLAIR:

Q Is there any particular comment that you wish to make on this exhibit? Were these observations made by you personally?

A They were.

Q You were right on the ground and you timed these operations?

A Yes, sir.

Q Is there any comment you wish to make on them?

A The one made on February 5 --

Q That is the preparatory, not the final inspection, Exhibit 69. Looking at Exhibit No. 69, is there any comment that you wish to make on that one?

A I checked these engines on February 25 and the engine, 7084, diesel, on shop track.

Q That is all here?

A Yes.

Q Is there any particular comment you wish to make? Does this set out all the work that you saw performed?

A This sets out all the work I saw performed.

H.R.Kelley

Q Would you say these were representative of the type of work, if any, performed by firemen in the preparatory time on yard diesels at Winnipeg terminals?

A To the best of my knowledge it is.

Q Have you made other checks than these from time to time?

A Yes sir, during my tour of duty about the terminal.

BY THE CHAIRMAN:

Q What does the dash mean in the third last column where it appears in two places? Does it mean ditto or does it mean nothing?

A That means there was no work performed of any description.

Q And the shutters, are they the doors that are alongside the engine that you see into the motor?

A Yes, shutters.

Q They have been called windows in other exhibits.

HON.MR.McLAURIN: Doors

THE CHAIRMAN: Doors.

MR.SINCLAIR: I do not think the witness means that.

THE CHAIRMAN: Then, will you find out what they are.

THE WITNESS: There are shutters, as I understand it, for the cooling system on these engines that can be opened or closed.

BY THE CHAIRMAN:

Q Where are they?

A They are on the engine part of diesel on the side close to the front.

Q And what about the doors on a diesel?

A The doors -- I believe they open them along the side of the engine to look inside.

BY MR. SINCLAIR:

Q At my request you also made some checks and observations of work performed, if any, by firemen during the final inspection period.

THE CHAIRMAN: Exhibit 70.

EXHIBIT No.70: Summary of observations made by superintendent H.R.Kelley of work performed by firemen during final inspection period, Winnipeg terminals.

MR. SINCLAIR: This is a summary of observations made by superintendent H.R. Kelley of the work performed during final inspection period.

BY MR. SINCLAIR:

Q Have you got that one in your hand? Did you make these observations personally also, Mr. Kelley?

A I did, sir.

Q Based on your work in the yard have you ever made checks of the final inspection work, if any, done by firemen at other times?

A I have frequently checked firemen when they come on the shop track, the duties that they done, on my regular inspections around the terminal.

Q And the ones that you have recorded here on Exhibit 70 in this special check, are they representative of what you have observed?

A As far as I know, yes sir.

MR. SINCLAIR: Maybe I could summarize these for the Commission as I have on one or two other occasions. Taking the first one, February 5, the time the fireman was on the engine after the locomotive reached the shop or change-off track was three minutes. From the time the locomotive stopped until the end of the time paid for is 43 minutes.

Then the next one is three minutes, and the time paid for after the locomotives stopped is 30 minutes. The next one is nil and the time paid for is 40 minutes. The next one, diesel 7015, the time that the fireman was on the engine was three minutes and the time paid for after the engine stopped was 40 minutes.

The next one is diesel 7015 also, a different shift. The time the fireman was on the engine after it stopped was nil and the time paid for was 50 minutes. The next one is three minutes and the time paid for after the locomotive stopped is 35 minutes. In the next one the fireman was on the locomotive two minutes and the time paid for was 45 minutes. The situation is exactly the same in the next case, diesel 7081. The next one is exactly the same, two minutes for the time the fireman was on the engine and 45 minutes paid for after the locomotive stopped. The next one is two minutes and 38 minutes after the locomotive stopped for which the fireman was

being paid. The next one is two minutes that the fireman was on the locomotive and the time paid for after it stopped is 25 minutes. In the next one the fireman was on the engine for five minutes and the time paid for after it stopped was 15 minutes.

The next one is a road freight movement. It arrived on the shop track at 5.45 a.m. and the fireman was off the locomotive at 5.48 a.m., three minutes. In this case the final inspection period is 15 minutes, as set out in Exhibit 5. In every other case, as Exhibit 5 shows, the final inspection period on a yard diesel is 10 minutes.

BY MR. SINCLAIR:

Q Have you any special comment that you wish to make on Exhibit 70, Mr. Kelly, or does that set it out?

A That sets it out as the information was taken by me on the shop track.

Q Now, Mr. Kelley, I also asked you to make certain personal observations by riding diesels. This is a record of observations made by Mr. Kelley.

THE CHAIRMAN: Exhibit 71.

EXHIBIT No. 71: Record of observations of actions of firemen in yard diesels during switching operations.

MR. SINCLAIR: There are three observations.

BY MR. SINCLAIR:

Q Mr.Kelley, I think I should tell the Commission that I asked you to see if you could make ten observations for the Commission and I think you should say why you only got three done.

A Due to the fact that I had one of my assistants off sick in the first part of February and the pressure of other work in the terminal I was only able to complete these three tests which we have here.

THE CHAIRMAN: Before you deal with Exhibit 71, may I go back to Exhibit 70 for a moment to refresh my mind. The last item is a road freight movement. The engine arrived on the shop track at 5.45 and the fireman left at 5.48. Was 5.45, the time when the engine got to the shop track, within the fireman's shift time.

MR. SINCLAIR: This is a road freight operation sir. This is a road crew coming in and they do not work on shifts.

THE CHAIRMAN: Oh ves.

MR. SINCLAIR: So there would be no shift time unless his run had exceeded eight hours at 12 miles an hour.

THE CHAIRMAN: Very well. Then, the engine got to the shop track at 5.45 and at that time the arbitrary allowance of 15 minutes began to run.

MR.SINCLAIR: Yes.

THE CHAIRMAN: Is that right?

MR. SINCLAIR: Yes.

THE CHAIRMAN: And while he did nothing according to this exhibit he used up three minutes of that time and you say he was paid for 15 minutes.

MR. SINCLAIR: That is right and, of course, as we explained earlier this man would walk to the normal booking-in place.

THE CHAIRMAN: When I said "nothing" I meant nothing on the engine as far as this exhibit is concerned.

MR. SINCLAIR: This is the type of case, sir, where final terminal delay applies and then the engine goes to the shop track and on top of that the final inspection arbitrary then starts.

THE CHAIRMAN: All right. Then, we are at Exhibit 71.

BY MR. SINCLAIR:

Q Just looking at No.1 on Exhibit 71, Mr. Kelley, would you just comment on that for the Commission, please? What kind of move was it?

A This was a movement from Winnipeg station or depot with ten cars taken by the depot engine to Whittier junction to go around the Y.

Q Passenger cars?

A Passenger cars and back into the station tracks.

Q Yes?

A I got on to the engine at 8.20 p.m. when they left the station to go around the Y and all signals from the time that we left the station were given on the engineer's side by the ground crew. This movement entails a movement with

the engine leading out on the north leg of the Y. Then the movement is backed up with the cars being pushed by the engine south on to the southeast leg of the Y, and then the movement is headed by the engine back into the station on the south leg of the Y.

Q Then, after it got to the station did it go to the coach yard?

A They pulled these cars into the depot track and spotted them for steam. All signals were given on the engineer's side.

Q They spotted them for steam?

A They pull them in and they spot the cars so they can connect them up with the steam so they do not freeze up. They have a steam plant in the depot so they pull them in and connect up the steam to keep the cars from freezing.

Q What happened with this engine after that?

A He went to the coach yard, picked up two cars and made two moves with two other cars and the signals were all passed on the engineer's side by the ground crew. They brought these two cars to the station and shoved them into track No.6, and I left the engine at 10.45.

Q Were you on the engine from 8.20 until 10.45?

A I was on the engine from 8.20 p.m. until 10.45.

Q Looking at item (b) would you just read that to the commission and make your comment?

A Item (b), fireman "did not call to engineman any conditions on left side of engine although

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movement made over two public crossings."

Q Mr. Kelley, why did you comment on the fact that the movement was made over two public crossings?

A Because through various sources of information and talk I had heard that they should call "all clear" when they went over a crossing, that the fireman should give the engineer some indication.

Q Who was saying that?

A But I did not think that was necessary.

Q Who was saying that? You heard some talk?

A Well, just general talk around. I could not say offhand who was saying that. I don't recollect just who I heard it from.

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Q And so you ~~made~~ this observation of this move to see what they did?

A I made this move to see whether the rumour I heard was being carried out.

Q I thought you said earlier in commenting on it that you did not think that was necessary for the fireman to call going over the crossing?

A No sir.

Q Why, Mr. Kelley?

A Because the movement was adequately protected by the engineer when he pulled over the crossing with the engine leading.

Q Now, Item (c) -- nil. Item (d)?

A The fireman sat on the seat box observing in the direction of the movement and exchanged aspects of interlocking signals with engineer; called the aspect to the signal; he acknowledged it.

Q Why did he do that?

THE CHAIRMAN: I do not understand that.

BY MR. LEWIS:

Q What kind of aspect signal are you talking about? You said this was a move out to Whittier?

A Yes.

Q Perhaps I made lead for a moment because there will be no dispute here. Whittier is east of the station at Winnipeg and you go out on the main line?

A It is on the main line and the trackage is

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controlled from the station by interlocking signals from the Whittier tower.

Q And are these ~~mass~~^{main} signals?

A The first one, the approach signal to the home signal, is what is known as a dwarf signal. It is a low signal approximately three feet high from the ground. The other signal, the home signal eastbound or eastwards is a high signal.

THE CHAIRMAN: But what did they do?

That is the part I do not understand.

BY MR. SINCLAIR:

Q What took place between the fireman and the engineer?

A The engineer when he reached the approach signal or the first signal said, "yellow board" and the fireman repeated "yellow board". The same thing applied at the other signals, as they reached home -- whether they were red, yellow or green.

Q Why did they do that, Mr. Kelley?

A There is a rule in the book that engineers --

MR. SINCLAIR: I will turn it up for the Commission, if I may.

BY HON. MR. McLAURIN:

Q Did you say, "yellow board; red board", too.

A Did I say that?

Q Yes?

A No, I did not, sir.

MR. SINCLAIR: It is Exhibit 27, rule 34, at page 37. Perhaps I may read it, Mr. Chairman:

"Crews on engines and snowplow foremen must know the indication of six signals (including switches where practicable) and members of train crews must know the indication of train order signals affecting their train before passing them."

We will be dealing with train order signals, sir, when we come to our evidence concerning road operations. The rule continues:

"All members of engine and train crews must, when practicable, communicate to each other by its name the indication of each signal affecting the movement of their train or engine."

Is that the rule you had in mind, Mr. Kelley?

A That is the rule I had in mind, sir.

Q You said that you got off the engine at 10.45 and then what did you do?

A I got in my automobile and drove to the shop track to check the engine when it arrived at the shop track.

Q And your observation of that is included under the heading "describe final inspection duties performed, if any"?

A Yes.

Q Is there anything you want to add on that point?

A Yes.

Q Is there anything you want to add on that point?

A No, I think it is pretty well outlined in the exhibit.

Q I notice it says that the fireman did not set the handbrake?

A On the final inspection he did not set the handbrake.

Q Does he usually do that?

A I have observed some firemen setting handbrakes.

Q All right, let us consider No.2.

What is the move here. This is page 2 of Exhibit 71?

A I was not at the shop track when the engine came to work. I arrived at St.Boniface and got on the engine at 6.25. This was a light engine movement from St. Boniface coming cab first to Winnipeg for the purpose of picking up seven cars of stock and returning to St.Boniface.

By HON. MR.McLAURIN:

Q Livestock?

A Yes sir.

BY MR. SINCLAIR:

Q You said you were coming over from St.Boniface to Winnipeg, light. You said it was a light engine, cab first?

A Cab first, yes sir.

Q Where were the ground crew riding?

A In the cab of the engine.

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Q That would mean how many men were in the cab?

A Six, including myself.

Q Yes? Just complete the move, if you would.

A They came into the Winnipeg terminal and went into track No.N-22 and coupled on to seven cars of stock which were on the road end of a train. The field man went back and the engine follower stayed at the engine. When the field man got to the rear of the cars that he wanted he uncoupled them and gave the signal to the engine follower, and the engineer to go ahead.

The movement proceeded down the lead. Under item (a) all the signals were given direct to the engineman by the ground crew. Under item (b) the engine follower was on the front of the engine and when proceeding down the lead to come back towards St. Boniface he stopped the engine by a signal from the front of the engine on the side steps, to get off and line the switch which was against his route.

THE CHAIRMAN: Against his what?

THE WITNESS: His route. That is what we call it; going from one point to another. He stepped over the engineer's side and gave the engineer the signal to proceed. When he arrived at Princess Street where the movement was under the control of switch tenders the engine follower got up in the cab of the engine and road to St. Boniface in the

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cab of the engine.

BY MR. SINCLAIR: Going back to item (b),
would you read the last two lines of your notes.

A Firemen called engineman's attention to
switch not lined. The engine follower lined
switch and gave signal to engineer.

Q Now, Mr. Kelley in your opinion would this call
of the fireman add to the safety of the movement?

A Not in my opinion, no, it would not.

Q Why?

A The ground crew was on the leading part of the
engine on the engineer's side and the switch
was in full view of the engine follower who gave
the engineer the stop signal.

Q You said that the engine follower crossed in
front of the engine, brought the switch and then
came back on to the right side to give the
engineer the proceed signal?

A That is correct sir.

Q And was it when he was making that movement
that the fireman gave the all clear signal?

MR. LEWIS: No.

THE CHAIRMAN: The report does not say that.

MR. SINCLAIR: I am asking him, sir.

THE CHAIRMAN: You might ask him what he did,
if anything.

MR. LEWIS: My friend knows better than that.

MR. SINCLAIR: Very well, in view of my
friend's objection, I will withdraw the question.

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THE WITNESS: Under item (d) the fireman was on the seat box looking in the direction of the movement.

BY MR. SINCLAIR:

Q Now, how long were you on this engine?

A I was on this engine from 6.25 a.m. to 7.20 a.m.

Q This shift was from 12 midnight to 8.00 a.m.?

A Yes sir.

Q And it came to the shop track or the change-off point rather, at 7.20 and you recorded what took place on that engine after it arrived at the shop?

A Yes sir.

Q You rode it right into the shop track?

A No sir, I rode it down to the end of the platform where they entered the shop track.

Q Did you get off there?

A Yes, the engine went into the shop track and stopped in full view of what took place when the engine crew got off the engine. The fireman set the hand brake in this case on the engine before he got off.

Q Did he do anything else?

A Not that I could see.

Q All right let us take No.3 on Exhibit 71. What kind of move was it?

A This was a movement from Winnipeg to the C.N.R. transfer at Paddington involving the hauling of 70 cars, 17 of which were set off

at St. Boniface or Marion street into what is called S-34, a siding at that point. All the signals were given on the engineer's side during the setting off of these 17 cars at Marion street. First, the operation of the train -- not the train but the yard movement -- was brought to a stop at Princess street -- or rather at Marion street; excuse me -- and the engine follower walked out to the crossing while he was waiting for the foreman to make the cut behind the 17 cars. After the pin was pulled the foreman gave the proceed signal to the fieldman or rather the engine follower and the engine follower relayed it to the engineer or engineman.

Q Where was the engine follower, behind or ahead of the movement?

A Ahead of the movement standing at the crossing. The switch is just north of the crossing.

Q And he relayed it back?

A Yes, he relayed it back to the engineer. The movement was made over the crossing and the cars set off.

The engine went back on to the mail line and coupled up for a further movement to Paddinton with the balance of the cars. All these moves were made by the ^{ground} crew foreman and the engine follower on the engineer's side.

Q Look at item (b) and comment on it, please. This is on page 3 of exhibit 71.

A Item (b). The fireman called the engineman's

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attention that traffic "all clear" when going over crossings. Members of ground crew was flagging crossing on engineman's side.

Q In your opinion, Mr. Kelley, does that observation of the fireman add to the safety of the movement?

A No, in my opinion it does not as the movement over the crossing was adequately protected by a member of the ground crew who was already on the crossing before the movement reached the crossing.

Q Read item (d) please?

A Item (d): Fireman observed conditions in direction of his movement and called "all clear" at main line crossings but member of ground crew was riding leading end of the engine at the time. That was the Marion Street crossing. The fireman exchanged all signal aspects with engineman that called to him.

Q That has reference to Rule 34?

A It has reference to Rule 34 on page 37.

Q How long were you on this engine?

A From 9.35 p.m. until 11.00 p.m.

Q After that what did you do?

A I got off the engine as it proceeded back to the change-off point. At the station I got into my car and drove to the change-off point to check the engine on the shop track.

Q What took place on the shop track, is that what you were about to say?

A To check what took place on the shop track. The engineman and the fireman got off without making any inspections I could see. They just got off the engine and went.

Q Based on your observations in the Winnipeg terminal over the last six years, could you tell the Commission if what is recorded in these observations would or would not be typical of what would go on at that terminal in connection with yard diesels in the various moves there?

A From my observations on my tour of duty around the terminal, this is typical of what takes place on the arrival of engines at the shop tracks, or the change-off points, rather.

Q What about the movements, would it be typical of movements on the engines during switching operations, what you have recorded there?

A That would be typical of the movements, yes.

MR. SINCLAIR: Please answer my friend.

--- Recess.

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EXAMINED BY MR. LEWIS:

Q Mr. Kelley, yesterday you told us that you had two assignments in Winnipeg where you used a ground crew of four instead of three?

A That is correct.

Q I may have missed it, but I did hear you explain why you used a ground crew of four in B yard but I do not recall your telling us why you used a ground crew of four in the Winnipeg freight shed, which was the other place you mentioned?

A I mentioned that but I did not clarify it.

Q Would you do so?

A The reason for the four men in the Winnipeg freight shed is for the purpose of making out lists for our hauling crew which, as we call it, is working against time. The meaning of that is that we have very little time from the time these cars are assembled in the freight shed to get them to our fast train leaving the terminal, and this fourth man is put on to assist in the handling of the cars, making the couplings and making out switching lists which he hands to this crew that comes down from the

Rugby yard to pick up these cars to take them back to the main train yard.

Q I think you told us that normally the engine follower is the new man, or was it the most junior man on the ground crew?

A Well, the most junior man on the ground crew, it is up to the discretion of the foreman where he places him.

Q Would you say that normally he places him in the position of the engine follower?

A Normally he places him in that position.

Q I suppose the reason for that is that he gets more training at the head?

A Well, he gets training there and he gets his education in the way signals are handed or passed to him from the foreman.

Q That takes me to the statement about training that you give this yardman. I think you said you had a safety instructor who did that, is that right?

A We have a safety instructor, that is right, correct.

Q Who gives the yardman training?

A They take the new man out and give him training on how to pass signals. That is the first training he gets in how to pass signals and carry on his work.

Q Suppose you go back a little. Where do you get this yardman that you are now training? Where does he come from?

A The yardman is hired through our employment agency.

Q He is hired on as a yardman?

A Hired on as a yardman, yes sir.

Q When do you give him this training?

A While he is taking what we call student trips and writing his rules.

Q Does he do that before he goes out with the crew?

A He gets this training before he goes out with the crew.

Q How long is that?

A The training sometimes two to three days, sometimes four days, depending on the way that the safety agent figures that this man has been able to pick up the necessary instructions which would help him in his job as a switchman.

Q And then after these two, three or four days he goes out with the crew and is usually put on as an engine follower; that is right, is it not?

A Usually, yes; there are exceptions to that, cases --

Q Yes, of course. This safety agent who gives him instructions, what is his background?

A He was the yardman in Winnipeg terminal.

Q He was the yardman?

A The yardman. I do not know whether he was an engine follower or a field man; he was put on to that position before I came to Winnipeg,

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on to this safety agent's position.

Q Are my instructions right that he was a man who had some unfortunate accident and was put on this job?

A That is correct, yes.

BY THE CHAIRMAN:

Q How long does the man involved stay on that job before he is moved to another position, normally?

A He normally stays there until he acquires seniority. They all work on a seniority basis, until he can hold some other job; possibly he could hold the field man's position on some other job.

BY MR. LEWIS:

Q Is this training that you are talking about, Mr. Kelley, given in all cases to the yardman, or are there exceptions to that?

A All cases to my knowledge these men receive this training before they go, before they are allowed to go out to work.

Q Do you know enough about the training which ^{Fireman} foremen receive in the Winnipeg terminal?

First of all, where does he usually come from?

A I am not prepared to give that as authentic information, but I believe he comes from the shop staff as wiper or hostler, I am not sure which.

Q Then you give him some training, do you not?

- A The training, I believe he goes in road service for possibly three trial trips, and if he is o.k.'d by the engineman he goes out with I believe then he is placed on the spare board.
- Q He does not go out with one engineman on all of the three trips, he goes out with --
- A As far as I know he goes with a different engine.
- Q Each trip?
- A Yes.
- Q And each one of these enginemen trains him and gives a report on him; right?
- A That is correct as far as I know, sir.
- Q Then he writes the rules examinations?
- A Oh, yes, sir.
- Q Do you know how long, or do you suggest you would not know -- if you do not know, all right -- do you know how long he might have been a wiper or hostler before he is promoted?
- A I would be unable to say that, sir, unless I saw his record.
- Q Right. Now, Mr. Sinclair asked you yesterday who would be more qualified, if I understood the question correctly, to express an opinion about switching, the engineer or somebody else, and I think you said it would be the yard-
master or the yard foreman/^{who}would be qualified to express an opinion; is that right?
- A That is right, sir.

- Q You are not suggesting that an engineer working in yard service for some time needs to know nothing about the switching operations?
- A Oh, I did not imply or intend to imply that at all, sir.
- Q No. As a matter of fact, of course, he learns about the switching operations, and the more he learns the better he is for the work?
- A How efficient he is with the crew he is working with, yes, sir.
- Q He would know quite a bit about that would he not?
- A Well, he would know quite a bit about his work as far as receiving the signals and handling the engine and possibly some particular job that he is on and spotting and setting up different spurs.
- Q I suppose you know the background of all your yardmasters in Winnipeg? When I say "background" I mean background of service?
- A Partly, of most of them, yes, sir.
- Q I mean background of service with the company. Would all of them have had any yard experience before they were appointed to yardmaster?
- A By experience you mean what?
- Q Switching experience?
- A I presume it has reference to switching.
- Q Yes?
- A They do not all have switching experience before they are promoted to yardmasters.

Q You could even promote a man to yardmaster who has done no more than clerical work in the yard office?

A On some occasions, yes, sir.

Q He might have been a crew clerk, as I understand you call them, a man who sets up the crews?

A We have had one, yes, sir.

Q You have one yardmaster like that now?

A Yes, sir.

Q How qualified would he be to express an opinion on switching operations when he is made yardmaster in view of that background?

A Before he reached the status of crew clerk he would acquire a certain amount of knowledge as possibly a checker or a train clerk in making up switching lists for yard foremen.

Q His knowledge would be in making up the switches?

A In making up the switches, yes, sir.

Q You referred a moment ago to the lack of time you get on the freight job and therefore required the fourth man to make the switch lists, and so on?

A Yes, sir.

Q That pressure of time is quite common in what my advisers have taught me to call the train yard itself, is it not, the yard where you break up and marshal trains?

A I would not say that the pressure is too great in that area, symbol trains, we have to get them made up as expeditiously as possible in order to get them out at the scheduled time.

Q Scheduled time?

A Yes.

Q In the case of those symbol trains you will have 20 minutes or 40 minutes, whatever the time may be, to set them up?

A Yes, whatever the time is allotted to set them up.

Q Is it true, Mr. Kelley, that in those situations one of your ground crew is frequently busy away from the signal giving and the actual switching operations?

A Not to my knowledge, sir.

Q Not to your knowledge?

A No, sir.

Q You do not know of any occasions when one of the ground crew will be busy bleeding off the air off each car after the train has arrived?

A No, sir, I do not, sir.

Q When is that done?

A That is done by the man assigned to that particular work.

Q And he does that work on every train in Winnipeg that comes in?

A Yes.

Q None of the ground crew of three does it?

A Not to my knowledge, sir.

Q What do you mean by "not to my knowledge"?
After all, you are the superintendent?

A I have never seen any of the yard crew that is
handling this train bleeding the cars off.

Q You have never seen it?

A I have never seen it, no, sir.

Q You observe operations very often?

A I have been around the yard and observed the
operations quite frequently, yes, sir.

Q Have you never seen any one of the ground crew
ever at any time checking the cars according
to his switching lists, cars that have to be
doubled on another track? You have never
seen that?

A I just do not -- would you qualify the question,
or clarify it a little?

Q Maybe I have not put it so [that you can
understand it. If I understand it correctly,
suppose you had to couple up two tracks -- I
think that is the term you use?

A Yes, sir.

Q Some cars on one track and some cars on
another, all to the same train?

A Yes, sir.

Q Have you never seen one of the ground crew
over on the other track checking cars according
to his switching list while the remaining
ground crew and the engine crew were doing the

work on the first track? You have never seen that?

A It might be some occasions, but it ~~has~~ not come to my notice.

Q It has not come to your notice?

A No, sir, I have never seen that action taking place.

Q If I tell you, Mr. Kelley, that I am instructed that it is the normal way in which these things are done in the train yard, what would you say to that?

A Not done normally that way to my knowledge, sir.

BY THE CHAIRMAN:

Q What is the accepted practice as to how the thing should be done?

A The accepted practice, sir, the way it should be done, is for the engine follower to take the engine to the track he is going to pick up on, and in our classification yard here -- not here, but in Winnipeg -- the tracks are relatively straight. He would let the engine couple to it and switch that lead the way it should be done while the foreman and the field man come back and get what cars that they want to double over to this next track, sir.

Q The illustration being put to you, as I understand it, is that while the movement is taking place on one track, with the engine --

A Yes, sir.

Q -- which is designed to couple up with cars

standing on another track, one of the ground crew was not with his fellows at the track where the movement is taking place but is over at the other track checking the cars over there. I am just asking you whether there is any accepted practice as to how it should be done, any understanding of how it should be done, whether the ground crew stays together on the track where the movement actually takes place?

A As far as I know the ground crew stay together until they couple up the one track and then go to the next track.

Q You said that is what they are expected to do?

A Yes, sir.

Q That is their duty?

A Yes, sir.

BY HON. MR. McLAURIN:

Q The yard foreman has a list of cars involved?

A For himself, yes, sir.

Q Who else would have it?

A Well, you mentioned, sir, a list. In our fast freights he might only have the number of the car farthest from his engine, just the one number. He would have a slip of paper saying, "I want that number and everything east of it for this train."

Q That would be a symbol train?

A Yes.

Q Upon the work done before?

A Upon the work done before, yes, sir.

BY MR. LEWIS:

Q He checks the cars off the switch list, does he not, before he couples them up. He gets the actual list?

A No, the foreman does not have the actual list. When we are making up a symbol train or trains like that, the yardmaster knows the cars that are in these tracks, and as I explained to the Commission, he would say to the yard foreman, "Go into this track and get car No. such-and-such and bring everything east of it out." The yard foreman that goes in that track knows he is going in there for that car number. He walks back until he comes to this car number, then he gets that, brings it out and couples it up on the train that is going out.

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Q Is he given the number of cars that are involved or just the number of the last car?

A In some cases he is given the number and in some cases he is told to get 15 cars or whatever the number might be.

BY THE CHAIRMAN:

Q Would you ever have a case of this kind where two of ground crew would be sufficient to pass signals to the engineer? I have in mind where there may not be too many cars and under those circumstances would you ever have a case where the foreman who was in charge would send, we will say, the surplus man who is not necessary over some place to do something else?

A He might send a man to the next track or something if he was going to pull a track or something like that to get the handbrakes or something off of that track while he was coupling up this particular track, as you say, if the cars are only a few and if that does not obstruct the signals being given direct to the engineer by two men. There are cases where they do that.

BY MR. LEWIS:

Q You do agree that there may be cases, that there are cases where one of the ground crew might go somewhere else?

A That one member of the ground crew might be some place else doing another job on an

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adjacent track if the signals to the engineer are not obstructed and can be quite easily handled by two men.

Q All I was after was to establish whether in your experience the ground crew of three is not always functioning together and your answer is there are cases?

A There are cases that they do not, yes sir.

Q And there are cases also are there not where the yard foreman might be called away to the yardmaster's office for something? Something has occurred and they have decided to hook another car on from somewhere else or to take one off the list he has been given? That sort of thing occurs?

A That occurs, yes sir.

BY THE CHAIRMAN:

Q Just to clear that up, while he is away would a movement take place on the track that he left?

A That would depend, sir, on the circumstances. He might tell this crew, "You wait right there until I get this information."

BY MR. LEWIS:

Q Or he might not? .

A Well, as I say, it all depends on the circumstances surrounding the particular location.

Q You said yesterday, if I heard you correctly, and I have not seen any transcript so you

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correct me if I am wrong, that there is some kind of rule about yard speed being from one mile to six miles. Did I understand you to say that?

A I do not recollect saying that there was a rule that it would be one mile to six miles. I said our switching speed we kept to between one and six miles.

Q Mr. Kelley, I have a feeling there must be such a rule because we were told that by Mr. Shepp for Vancouver and Calgary, precisely those numbers, one to six, and we were told it by Mr. Johnson, I think, for St. Luc yard and we were told it by Mr. Lefrancois for the Montreal yards and we are now told it by you. Surely there must be some kind of system instruction about it. Is there?

A There is no rule that I know of that tells that the switching speed will be between one and six miles an hour.

Q And therefore it is sheer coincidence that all of you people in charge of the various terminals from coast to coast have the same switching speed of one to six miles? That is pure coincidence?

A No, I would not say that, sir.

BY THE CHAIRMAN:

Q How does it come about?

A It is a directive from the management that the switching speed for safe handling of freight and equipment should be kept to between one and

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six miles an hour to avoid heavy impact to the lading in cars.

BY MR. LEWIS:

Q That is what I was asking you, a rule or instruction. You say now there is an instruction from management regarding that speed?

A Yes sir.

Q And that has been given system wide? Is that right?

A As far as I know, yes sir.

THE CHAIRMAN: I suppose a rule means the red book.

MR. LEWIS: Well, yes. I think the word "rule" was used yesterday. At least I have it in my notes and that is why I used it in asking about it.

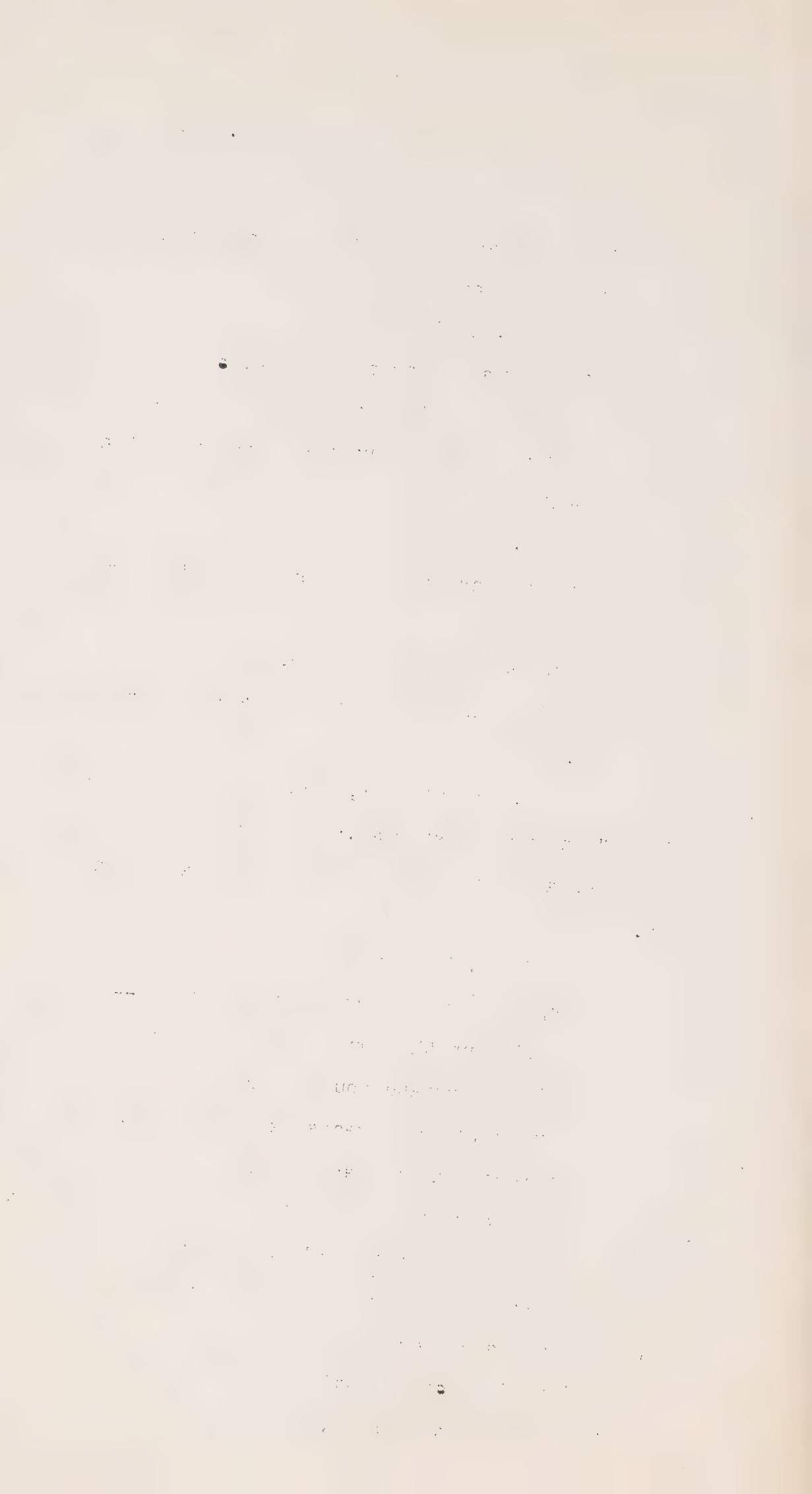
BY MR. LEWIS:

Q Now, did I understand you correctly -- before I follow up this question I want to be sure I did understand you correctly -- to say that in your 42 or 43 years experience you could not recall a yardman falling off the top of a during a switching move? You could only recall one hump rider who fell off because of some defect in the brake chain. Was that right?

A That is correct.

Q That is what you said?

A That is what I said, sir.



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Q You were in Calgary until June, 1951, were you not?

A Yes sir.

Q I am instructed, Mr. Kelley, that a yardman called Stan Wood was thrown off a car -- I am instructed he was not a hump rider -- at the hump just about eight or nine years ago while you were in Calgary. Do you remember a case like that, Stan Wood?

A I do not recollect it. I recollect after I left there he developed some kind of injury.

Q Oh, this happened after you left there?

A I don't know what his injury was but I heard a rumour that he had been injured. How he got injured I don't know.

Q That was after June, 1951?

A After I left Calgary, after 1951, yes sir.

Q All right. Apparently the time I was given is wrong. Then I was given the name of a Mr. S.T. Trewatha, and I am instructed that he was thrown off the top of a car and killed in 1929 at No.7 switch. You were around Calgary in 1929?

A I was sir.

Q Do you remember that case?

A At No. what switch?

Q No.7 switch, if I got it correctly over the long distance telephone. I may not have got the location quite correct. Do you recall this man, Trewatha, who was killed?

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A I recall yardman Trewatha but I cannot recall just how the man was killed. I recall the man quite well.

Q You recall him being killed but you cannot recall --

A I cannot recall how he was killed, no sir.

Q Then, of the hump riders, of whom you recall only one, I am instructed there was a hump rider, Murray, who was killed by falling off a car in 1940 in the Calgary yard. Do you remember that?

A Murray?

Q Yes.

HON. MR.MARTINEAU:

Q In what year?

MR. LEWIS: 1940.

THE WITNESS: I do not recall a yardman by that name.

BY MR. LEWIS:

Q You do not?

A I do not.

Q A hump rider -- that is a yardman, I suppose?

A Yes, they call him a yardman.

Q And another hump rider, I am instructed, who fell off a car and was killed was a man called Hardy in 1949. Do you remember that?

A I remember a man, a yardman named Hardy, yes, but I cannot recall how he was killed right now. I cannot recall that. I remember the name quite well.

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- Q Then I am instructed that a man called J.S. Robinson, also a hump rider, fell off a car and was killed in 1951. They w could not tell me whether it was before June or after June so I cannot be sure whether you were there or not.
- A I don't recall that. I recall the man but I don't recall any accident ever happening to the man while I was there.
- Q You do not?
- A No sir.
- Q Have you heard about him?
- A No, I did not hear about him.
- Q Then I am instructed that there was a yardman, Reg Bluett, who was thrown off a stock car near the Globe Elevator in 1945 and had a broken leg as the result of it. Do you remember that?
- A I remember the name Bluett, and if I remember correctly the movement, when he fell off the car, the car was standing still, if I remember correctly.
- Q The car was standing still when he fell off it?
- A As near as I can remember, yes sir.
- Q Is it likely that it had just stopped and that the jar threw him off?
- A It could have been.
- Q I am also instructed that there was a yardman, J. Brady, who in the year 1930 fell off a car

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while he was releasing a brake in the end yard. I am instructed that he suffered some crushed vertebrae and paralysis and died about 18 months after the accident. Do you remember that?

A That is correct, sir, but there was no switching movement taking place when he fell off. The cars were standing still.

Q Was he not releasing the brake for the purpose of some switching movement?

A He was releasing the brake, yes, but the cars were not moving at the time.

Q Mr. Kelley, if I am sent to release a brake on a car, which car is about to be coupled on to something, is that not part of the switching operation?

A This car was not to be coupled on to anything.

Q What was going to happen to it?

A They were going to bring the train to the hump whenever the movement was ready and they were not ready for the movement at that time.

Q But he was preparing the cars for that movement, was he not?

A He was preparing to let the brakes off of them cars to bring them to the hump, yes sir.

Q He was preparing them for the movement that was to take place.

A Yes sir.

Q Then, I am instructed that there was a yardman, R.Kennedy who in 1927 -- in fact, I am told



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that the exact date in this case as they have it was December 3 -- was thrown off the top of a car at No.11 switch in the "O" yard and was injured as the result of it.

Do you recall that?

A I recall the man quite well but I do not recall the incident.

Q Then I am instructed that there was a yardman called C. H. Dermot, according to my information who either in 1950 or 1951 -- they were not sure of the year -- fell off the top of a car in "F" yard and sustained a broken shoulder?

A I didn't know this man at all.

Q Then I am instructed that there was a man called J. Morrow who in 1935 fell off a car at the hump. My information does not tell me whether he was a hump rider or some other kind of yardman, and also they could not tell me what his injuries were. Do you remember a Mr. J. Morrow?

A I remember quite well a Mr. J. Morrow working there but I cannot recall the incident, just what took place at that time.

Q Then I am instructed that there was a man called C. West, "C" for Charles --

A Charlie.

Q Who in 1939 was thrown off the top of a car in the stockyards and sustained some spinal injury and later had mental trouble and committed suicide. Do you remember that case?

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A Quite right.

Q Do you remember him falling off the top of the car?

A I don't recall the particulars of the incident. I know the man quite well. In fact I worked with him lots of times.

Q But you do not --

A I don't recall the particular incident as to how he came off the car, whether the car was moving or whether he slipped or what happened.

Q Then I am instructed that there was a yardman called E. Taylor who in 1929 fell off the top of a car in the N yard and he had a number of injuries as a result of that. Do you remember that case?

A I do not, sir. I know E. Taylor quite well. To my knowledge I did not know that he was injured because I was talking to the man two years ago right in Winnipeg.

Q And you did not know that he had been injured in Calgary?

A No, but I knew he was in Calgary, yes.

Q Apparently you remember some of these cases where men were injured, but you do not remember any of the circumstances?

A No, I do not remember the circumstances surrounding them.

Q I apologize to you, Mr. Chairman, and also to Mr. Kelley for asking this question, but will you explain to me why you seem to remember with such great detail all the elements of the switching operations in Calgary through the years you were there and are able to tell the Commission that this was the practice or that that was not the practice and yet you cannot remember men who were injured and even some who were killed and the circumstances of them?

THE CHAIRMAN: Yes, Mr. Sinclair?

MR. SINCLAIR: I do not think in any respect you could call that a question; that is a

speech.

MR. LEWIS: No, it is not.

THE CHAIRMAN: No, I think it is quite a legitimate question.

MR. SINCLAIR: I think if he wants to ask that question he should lay the ground and then put the question, but he has about three questions contained in that one.

THE CHAIRMAN: I think the question is perfectly clear. Do you understand the question, Mr. Kelley?

THE WITNESS: I did not, no sir.

THE CHAIRMAN: Then we will have it put again.

MR. LEWIS: Would the reporter read it back?

THE REPORTER (Reads):

"I apologize to you, Mr. Chairman, and also to Mr. Kelley for asking this question, but will you explain to me why you seem to remember with such great detail all the elements of the switching operations in Calgary through the years you were there and are able to tell the Commission that this was the practice or that that was not the practice and yet you cannot remember men who were injured and even some who were killed and the circumstances of them?"

THE CHAIRMAN: Is that question clear to you?

THE WITNESS: Yes, that is clear to me; yes, sir.

THE CHAIRMAN: All right, you can answer it then.

THE WITNESS: The reason I am so thoroughly familiar with the movements of the switching operations in both Calgary and Winnipeg is that that has been my life work since I started. I made a practice of making mental notes of my work. That is the reason I am able to recall incidents pertaining to switching and the practices used in switching, practices that I quote were used by myself as well as my observations of other crews. The incidents you referred to and the injuries, I can recall some of the men's names and I know of them and I know of the incidents but I cannot recall and I would not be prepared to say what took place unless I had some way of refreshing my memory. I just cannot. Does that answer your question?

BY MR. LEWIS:

Q It is an answer, Mr. Kelley.

BY THE CHAIRMAN:

Q You did not see any of these incidents yourself? You did not observe any of these accidents personally?

A I saw the incident of -- that is to say, when I say I saw the incident I saw it ten minutes after it happened -- that is the man Brady who fell off the car in N yard.

Q That is the only one?

A That is the only one where I was right on the ground when the accident took place.

BY MR. LEWIS:

Q Now, Mr. Kelley, you would agree, would you not, that it is very likely that there were more incidents involving men falling off cars than the one you cited yesterday which you recalled. Would you agree with that?

A There might have been.

Q Yes, and would you not agree that there was likely to have been more in the 43 years there?

A Yes, I would agree that there would likely have been.

Q About your memory regarding the switching practice -- and I want to be sure that I heard this correctly -- it happened only this morning. Mr. Sinclair asked you, if my notes are correct, "Do you know of any **operation** in Calgary where it would be necessary to use the fireman as a signal passer?" and your answer was -- if my notes and my memory are correct -- that you could not recall firemen being used or seeing them being used as signal passers while you were in Calgary?

A That is correct, sir.

Q In other words, you were not merely saying that in your opinion it was not necessary but you were saying and are saying now that from your experience in Calgary you do not remember a

fireman being used as a signal passer?

A I do not, sir.

Q Do you know the B alley in Calgary very well?

A Quite well, sir.

Q And are you suggesting to this Commission that you have never seen signals passed through the fireman in the B alley in Calgary?

A Yes, sir.

Q You never saw it?

A I never saw it, no sir.

Q And if I tell you that I am instructed by a man who worked the B alley --

HON. MR. McLAURIN: Do you call it the "B.I."?

MR. LEWIS: No, the B alley.

BY MR. LEWIS:

Q If I told you I am instructed by men who instruct me that they work in that alley that it is done daily, what would you say to that?

A It is done without my knowledge.

Q You never saw it?

A I never saw it, no sir.

Q Was the Wilson Electric spur or siding there up to 1951 when you left?

A The Wilson Electric? Yes, I believe it was.

Q Yes; I am instructed it was there a long time.

A I just do not recall the particular spur but I recall the Wilson Electric name being in that alley.

Q If you do not recall that particular spur I suppose you cannot be quite sure whether signals were passed through the fireman there or not?

A They were never passed through the fireman to my knowledge.

Q Never passed through the fireman at all?

A Not to my knowledge.

Q When you say "not to your knowledge" did you ever make any check of this particular spur, the Wilson Electric one?

A I suppose in my experience as a yard foreman I have spotted cars in that spur, but I just do not have a mental picture of the spur right now.

Q But you cannot recall when you must have seen spotting cars there that signals were passed through the fireman?

A I have no recollection of it, sir.

Q What about the Imperial Oil warehouse?

A Imperial Oil warehouse -- in my experience that was spotted by men being on top of the cars.

Q On top of the cars?

A Yes sir.

Q That could not be spotted by signals given on the ground; would you agree with that? On the engineman's side, that is to say?

A No, it would be very difficult if you had more than one car.

Q Yes, if you had more than one car it would

be very difficult?

A Yes sir.

BY HON. MR. McLAURIN:

Q Is it at the west end of the yard?

A Yes, it is at the west end; west of 14th Street.

BY MR. LEWIS:

Q In your experience the spotting there was done
by men on top of the cars?

A Yes sir.

Q In the winter as well as in the summer?

A Yes sir.

Q In heavy winter weather as well as in any other
kind of weather?

A In any kind of weather, as far as I know.

H-2

Q And if I tell you that I am instructed it is
done now and has been done for years through
passing the signals from the fireman, would
you say my instructions are wrong? Is that
right?

A I cannot say what instructions you have got.
I have never seen it spotted by passing signals
through the fireman in that spur.

Q And what about the McDonald Consolidated Limited?
I think Mr. Justice McLaurin corrected me on that
name or perhaps it was on some other one -- I
do not remember.

HON. MR. McLAURIN: No.

BY MR. LEWIS:

Q This is in what is known as the Manchester
district. Is that known to you?

A Yes sir.

BY HON. MR. McLAURIN:

Q This is new -- it is only a year old.

A That was only after I left Calgary.

BY MR. LEWIS:

Q What about the Nitrochemical Plant? I believe that was the one on which I was corrected.

HON. MR. McLAURIN: You should refer to that as Alberta Nitrogen.

MR. LEWIS: That has not been there too long, either.

HON. MR. McLAURIN: Oh yes, that is a wartime one.

BY MR. LEWIS:

Q Do you know that spur?

A Yes, I know that spur out there.

Q Are you saying that in your experience the signals were never passed through the fireman on that spur?

A I have never seen signals passed through the fireman when the engine has been setting up that plant. What I mean by "setting up that plant" is spotting the warehouse with box cars or oil tanks.

Q You never saw it done on any switching operation through the fireman?

A No sir.

THE CHAIRMAN: Mr. Lewis, when I think of this practice of the workman being on top of cars

for the purpose of passing signals or setting brakes or anything else, has the Board of Transport Commissioners any jurisdiction as to ~~prescribing~~ whether such a thing as that or any other practice is to be prohibited because it is dangerous or something of that kind? Is there any such jurisdiction?

MR. LEWIS: According to my reading of the Act -- my learned friend has dealt with it much more than I -- I would say that they would have jurisdiction to issue an order relating to ~~whether~~ or not it should be done that way or what precautions should be taken if it were done that way, and so on. But I cannot recall any order to that effect. There are a large number of orders and I have looked through them. I cannot recall any order dealing with it.

THE CHAIRMAN: Has any complaint ever been made of that practice to the Board?

MR. LEWIS: I was instructed the other day by someone who is not a member of my clients that some complaints have been ~~made~~ to some of the officers of the Board, but I cannot say whether there has been any formal request from the Board as such; but some complaints have been made to inspectors and so on.

THE CHAIRMAN: No formal requests from your clients have been pressed or anything of that kind?

MR. LEWIS: Not that I know about, sir.

THE CHAIRMAN: I referred to "your clients". Do the workmen belong to some union?

MR. LEWIS: They belong to the Brotherhood of Railroad Trainmen, sir.

THE CHAIRMAN: That is what I should have said.

MR. LEWIS: According to the conversations I have had I cannot recall being told of any request being made but I will look into that and I also cannot recall any order relating to it.

BY MR. LEWIS:

Q That brings me to the next question I was going to put to you, Mr. Kelley. Perhaps I should say it brings me to a question I was going to put to you some time during my examination, and I might as well do it now. Do I understand you to say that you think it would be a safe practice for a yardman to be only five feet away from the end of the box car if that box car is one coupled on to the engine. Did I understand you correctly?

A You did, sir, that is correct.

Q And yesterday you said you would not advise anybody to stand less than ten feet from the end of a car. However, you explained to the Chairman this morning that when you said that you were thinking of the lead car in a pushing movement and not the car next to the engine?

A That is correct, sir.

Q And you are saying now that in your opinion it would be safe for a man to stand only four or five feet away from the edge of a car if that car is next to an engine in a pushing movement?

A Yes sir.

Q And your explanation for that, if I understood it correctly, is that he would be subject to very little jar from the slack?

A That is correct.

Q Would there be any jar at all, Mr. Kelley?

A That would be very hard for me to make a positive statement about. It would all depend upon the movement that was taking place.

Q Yes, exactly, Mr. Kelley. And if you had a long train -- a long heavy train of anywhere from 30 cars up to 40, 50 or 60 -- and you had a sudden stop as you sometimes do have, don't you?

A In which direction, sir, if I may ask?

Q We are now talking about a pushing movement. That is what you were speaking about before. If you had a sudden stop wouldn't the jar on the car attached to the engine be pretty severe?

A No sir, because your slack is all in.

H.R.Kelley

Q There would be no slack out.

A There would be no slack out on that car.

Q I am instructed -- I am a very poor mechanical person so correct me if I am wrong --, that your slack is controlled by a spurring, not controlled but there is a spurring on part of that and then when your slack runs off your spring will bring you back again.

A Some, yes.

Q I am instructed that sometimes the spring, if you have a heavy train and if it is a long train, that that will come back so that it even jars the engine, so that the engine goes forward some minute distance.

A In a pushing movement?

Q You have pushed it and then the slack comes back and jars even the engine; have you ever known of that?

A No.

Q You have never known of that happening?

A Never known of that when pushing a string of cars. I cannot conceive of any slack coming back into the engine as long as they are pushing them.

Q You cannot conceive that?

A No sir.

Q You think that you would be obeying the rule in your Code of Safety Rules, which is exhibit 49; you think you would be complying with rule 1444 on page 11 which reads:

"employees, when standing on top of car, should keep safe distance from side and end, keep

alert for sudden jolts and face direction of motion."

You think you would be complying with that rule for a safe distance from the end of that car if a man stands less than his own height from the end of the car, do you?

A Yes sir, I do.

BY THE CHAIRMAN:

Q What is the necessity for his standing within that distance of the end?

A In a pushing movement in order to get signals to the engineman, if the cab end of the engine is against the car, he would have to stand within four or five or maybe six feet, all depending on the height of the car and the man in order to get signals to the engineer over the end of the car.

Q In order for the engineer to see those signals properly?

A Yes sir.

Q If he stood further away the signals might not be seen?

A Might not be seen by the engineer.

BY MR. LEWIS:

Q On this Mother Hubbard engine you were talking about earlier. Mr. Kelley, when was it that you rode one of those engines, do you remember, roughly?

A Well, I could not give you any specific date, but it is back in the twenties when I was working as a yardman.

H.R.Kelley

Q You were then --

A I was a yard helper and foreman.

Q You got on that engine I suppose in the course of your work?

A In the course of my work. I have been on the engine in the course of my work on this transfer job between Alyth and the uptown yard.

Q Are you from those experiences able to say to this Commission that in your opinion the men could not hear each other if they talked to each other.

A They could if the engine was standing or if they shouted when the engine was moving. I wouldn't say shouting, if they raised their voice.

Q Would they have to raise it very loud?

A Much louder than I am speaking right now.

HON. MR. McLAURIN: The acoustics in a Mother Hubbard are better than they are here.

BY MR. LEWIS:

Q What noise is there in a diesel engine? Is there some noise in the cab of a diesel engine?

A There is a certain amount of noise when the engine is running.

Q We are talking about when the engine is running of course. I am instructed, Mr. Kelley, that there is a great deal more noise in the cab of a diesel engine when the engine is running than there ever was in the cab of any steam engine, no matter how it was fired; is that wrong, from your experience.

H.R.Kelley

A I could not say.

Q You could not?

A No sir.

Q You said that as far as you can recall on a Mother Hubbard you used between seven and nine tons a shift?

A That is correct.

Q How does that compare with a coal steam engine?

A Some steam engines use more and some less than that in their 8-hour shift.

Q In ordinary yard service, if you had a hand-fired coal steam engine how many tons of coal do you think you would use up in an 8-hour shift I am not now talking about transfers, just in yard service; do you know?

A Well, as near as I can recollect, in industrial engines where the work is not too heavy, what I mean they don't handle a large amount of cars in any one place, probably three to four tons.

Q And on transfers?

A On transfers, depending on the amount of cars being handled by the engine, they would run up to six, seven or eight tons, maybe nine tons.

Q And do you know whether or not in the days of hand-fired coal engines the firemen would time his firing duties so as not to carry them over when his observations might be necessary; do you know anything about that?



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A Not to my knowledge.

Q They would just do it any time at all?

A To my knowledge, yes.

Q Pardon.

A To my knowledge they do it when the attention to the fire needs it.

Q But I suppose in the case of a steam hand-fired engine, a coal steam engine, that you could replenish the fire now or two minutes later in most cases without any effect? Do you follow me?

A Yes.

Q Would not ^{that} be so?

A If I understand the question, you mean you could replenish the fire now and then again in two minutes?

Q No, either now or two minutes later without any effect on your movement or without very much effect?

A No, I would not say that it would have any effect in the matter of a couple of minutes.

Q You are saying that in your experience, in your very long experience, you never heard of or understood that a fireman would time his firing duties so as to do them when his observation, his lookout duties were not essential; you do not know about that at all?

A I have no recollection of anything like that taking place.

Q You said you thought that the deadman control

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was not necessary on yard engines. Is there some way in which it could usefully be put on in view of the kind of operation the engineer is subject to in yard engines?

A Not in my experience, the deadman control would not be necessary on a diesel engine.

Q I am asking whether there would be some difficulty about putting it on in view of the fact that an engineer on a yard engine faces one way part of the time and faces the other way part of the time, and goes from one direction to the other all the time.

A That would be a mechanical question and I am in no position to answer it.

Q If I may say so I would not blame you for not being able to answer that. Now you said also, if I understood you correctly, that with the exception of one or two examples -- I do not remember which it was -- in your experience in Winnipeg since June, 1951, there are no places, with those one or two exceptions, where signals are in fact passed through the fireman? You said that, did you not?

A I do not think I made any exceptions in Winnipeg, if I remember rightly.

Q What you are now correcting me about is to say that as far as you know there is no location in Winnipeg where signals are now passed through the fireman.

A There is none, that is correct.

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Q To your knowledge?

A To my knowledge, yes sir.

Q Mr. Kelley, I want to take you through this step by step so that you and the Commission may understand me. I am instructed that at your depot in Winnipeg you have four tracks particularly, Nos. 3, 4, 5 and 6 out of the eight car tracks altogether on which your passenger trains from the east or from the west or from the coach yard, the cars, would be placed on those tracks - 3, 4, 5 or 6 in most cases; is that right?

A That is correct.

Q I am instructed also that in connection with those tracks there are cemented walks between tracks Nos. 3 and 4 and tracks Nos 5 and 6, but not between tracks 4 and 5, for example.

A That is correct.

Q And that those cemented tracks are of the type that everyone sees in passenger stations, and over them you have what could be called a sloping canopy.

A A canopy.

Q A canopy to protect the cemented walk, but there is not any on the other side of track No.4; is that correct?

A That is right; that is on the south side you are referring to?

Q I am instructed that during the winter months invariably the cars are put on tracks 4 or 5,

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as the case may be, with the signals being passed through the fireman when the cement walk happens to be on the fireman's side, which would depend upon the direction from which the cars are coming; is that right?

A Not to my knowledge they are not, no sir.

Q You have never seen it done?

A I did on two occasions.

Q You did see it on two occasions.

A Yes sir.

Q Those were the occasions you mentioned yesterday?

A Those were the occasions I mentioned yesterday.

Q Those are the occasions where you said the yard foreman could not give any sensible reason for doing it, or something to that effect.

A That is quite correct.

Q You do not think it is a sensible reason to go to the protected cement walk instead of walking on icy or snow-covered ties on the other side?

A I do not think it is a sufficient reason to give signals on the fireman's side when they can be transmitted from the foreman to the field man and engine follower on the engineer's side direct to the engineer.

Q Are my instructions correct that in the winter months those uncovered or unprotected ties and rails which are on the other side of this train in the usual Winnipeg winter weather can become pretty icy?

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A Yes sir.

Q And you do not think it is a sensible thing for them to have passed those signals from the protected cement walk side through the fireman rather than walking up on icy ties?

A I do not, sir.

BY THE CHAIRMAN:

Q Would there be passengers on the cement walk from time to time?

A When the trains are in the platforms are badly congested with passengers and express trucks, baggage trucks and all that.

Q I am talking about when the movement takes place, when the signals are given, are there likely to be passengers there then?

A Yes sir.

BY HON. MR.McLAURIN:

Q When you are making up the train.

H.R.Kelley

BY MR. LEWIS:

Q And was that the reason you told the foreman that you did not want the signals passed on the fireman's side.

A I told the foreman that the proper place to pass signals was on the engineer's side so they had direct communication with the engineer in their move.

Q You remember these things clearly. Would you be good enough to tell me roughly the date when it happened, if you can recall it, and the name of this foreman?

A No, I am sorry, I cannot recall the date, the foreman's name at all; the foreman have changed I think considerably since I first came there.

Q Do you recall the name of any other yardman connected with that particular movement when you talked to them about it?

A I only spoke to the foreman for that particular lead. There was a fellow, a yardman there named Lacoski.

Q Now, another place, I am instructed, Mr. Kelley, where the signals are as a practice passed through the firemen is the following; that is, at the freight shed. I am instructed that between track 1 and the freight shed building -- I am instructed that track No.1 is the track adjacent to the building.

A That is correct.



Q I am instructed that between this track No.1 and the freight shed building the clearance is not more than six to eight inches, very small clearance.

A That is correct.

Q I am also instructed that frequently the engine -- I have it in my mind that it is called a yard train -- pushes the cars, the cars are pushed on to this No.1 track and on the other tracks with the cars attached to the nose of the engine?

A That is correct, sir.

Q So that the engineer's side would be the side next to the freight shed?

A Correct.

Q And I am instructed that there is no difficulty actually until the lead car gets up to the edge of the building, but the moment it gets up to the edge of the building, my instructions are that signals are passed on the other side because there is absolutely no clearance between the track and the building.

A That I could not say; I have never seen them pass on the other side. I have on two or three different occasions seen that track being handled by men on top of the cars.

Q But you have never seen them pass through the firemen?

A I have never seen the signals pass through the

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fireman on the north side of track No.1.

Q You have a line that goes to the United States border south to Emmerson, and I suppose on to Minneapolis, a track lead?

A That is correct, sir.

Q I am instructed that in turning the train -- to shorten up the question, sir, and I shall be only a little while longer. Stop me if you cannot follow me. I am instructed you have to turn the passenger cars after they have arrived in order to get them back in the opposite direction from the one from which they came.

A That is correct.

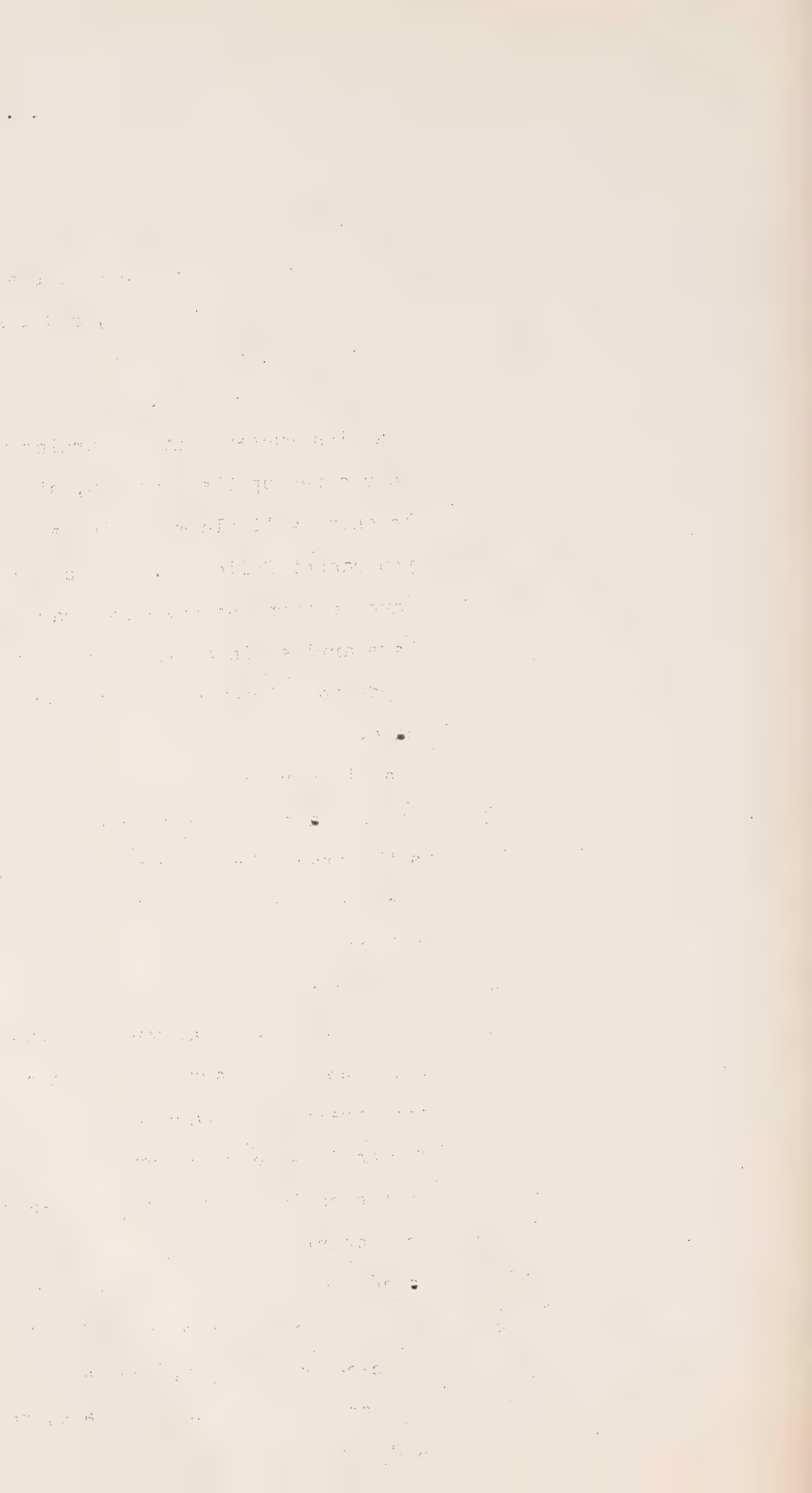
Q So you have to take them out on this track, that is the track that goes to Emmerson, and then push them back past various switches and then make a turn?

A That is correct.

Q I am instructed that when you push these cars back down the track from Winnipeg to Emmerson that there is a dwarf signal which is on the fireman's side which could not possibly be seen by the engineer as he approaches closer to it. Is that right?

A Pardon me, which leg of the Y. are you speaking of?

Q At the moment I have in mind, if my instructions are clear even to me, the east. I am looking at the east of the drawing I made, and it is the south leg of the Y.



H.R.Kelley

A That is correct; they come from the Emmerson branch around the south leg of the Y to the main line.

Q I am instructed that there is a dwarf signal on the fireman's side just south of your own main east and west main line, which this line crosses. Is that right? That is, the Emmerson line would cross. There is a dwarf signal there?

A There is a dwarf signal on the north side of the track that leads from the south leg of the Y to the movement going east to the mainline.

Q Is that the one that is on the fireman's side?

A Well, I don't get you.

Q When you are pushing.

A When you are pushing? Which way would your engine be heading when you are pushing?

Q I am instructed that the cars are attached to the cab end of the engine?

A Cars are attached to the cab of the engine, yes.

BY THE CHAIRMAN: ~

Q The signal would be on the fireman's side.

A The signal would be on the fireman's side in that case.

BY MR. LEWIS:

Q I am instructed that the engineer, as he approaches closer to it, cannot possibly see that dwarf signal and that is why normally and invariably the fireman calls it, observes that signal and passes it to the engineer.

Is that wrong?

A I am not in a position to say what the fireman does in advising the engineer about the position of this signal; but if a signal was not in a permissive aspect the ground crew riding the point of that movement being shoved around there would not go by it. They would stop the movement.

Q Where would the ground crew be riding if you were pushing away from the point of the movement; where would your ~~field~~man be?

A He would be on the point of the movement on the engineer's side.

Q He would be on the engineer's side?

A Yes sir.

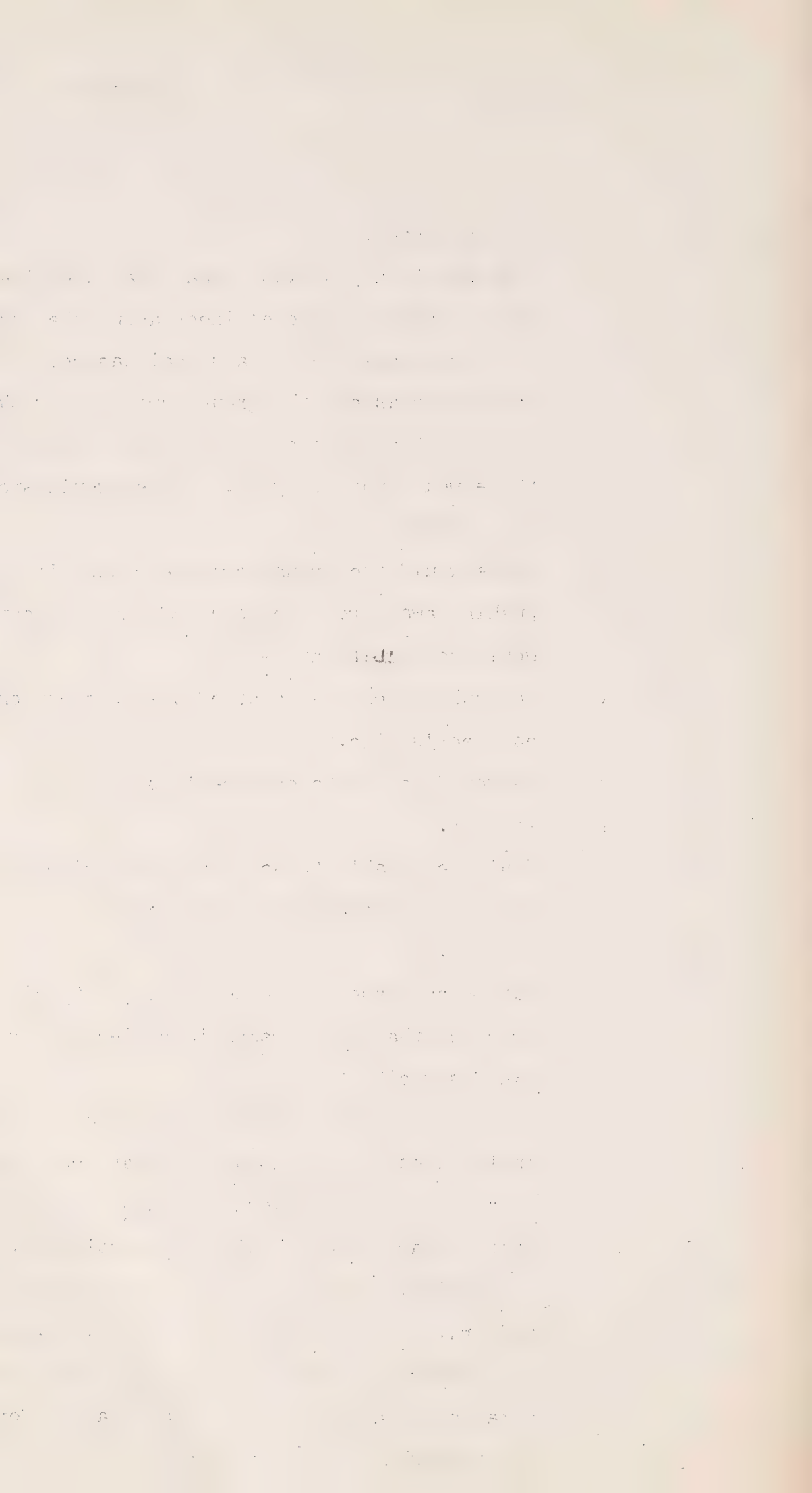
Q Would he be able to see that dwarf signal which is on the fireman's side so clearly.

A Yes sir.

Q But in any case you do not know of it being the practice that the fireman is relied on for the dwarf signal?

A I do not know of it, sir; I never was on the engine when it came around in that position.

Q I have only two more examples and I will be pretty nearly through with my questioning. Mr. Kelley, I think I can get done before we adjourn. It will not be very long, Mr. Chairman. I am instructed that you have this piggy back arrangement at Winnipeg and have had it for a little while. Is that right?



H.R.Kelley

A That is correct, sir.

Q That is the loading on of trucks?

A Transport on to special flat cars.

Q I am instructed that on these piggy back flat cars, the flat cars with the transports on them, you can't ride on top, and there is hardly any place on them on which a trainman or a yardman could hang at all? Is that right?

A There is the usual safety appliance approved by the board on these cars.

Q What are they?

A Grab irons, sill steps, approved safety appliances required by the board in moving of those cars for men to ride on.

Q Where is your grab iron on that flat car with the transport?

A The grab iron is about two inches --

BY THE CHAIRMAN:

Q You are being asked about one thing and you are talking about another. You are talking about the grab iron.

BY MR. LEWIS:

Q Where is your grab iron?

A I was about to explain, sir, that it is about two inches below the deck of the car on the side and on the end, the end and side of the flat car.

Q Two inches below the deck of the car?

A Yes; that is the platform of the flat car.

H.R.Kelley

Q And it is on top of this deck that you have got the transport?

A No, no; it is on the side; there is a sill of about two inches wide to which the grab iron is put on.

BY HON. MR.McLAURIN:

Q A flat car has no deck except the floors.

A That is what I mean. That is what we call it the floor of the flat car.

MR. LEWIS: That is what I call the deck of the flat car.

BY THE CHAIRMAN:

Q The transport is on that floor.

A The transport is on that floor.

Q It is very low in relation to the top of the transport.

A Yes, sir.

Q And the switch man could not possibly hang on to that grab iron for a very long time?

A He could get up on to the flat car?

Q He could get up on to the flat car and hang on to the grab iron?

A No, no, not on to the grab iron; he might hang on to the edge of the transport.

BY MR. LEWIS:

Q And if he were a short man like myself, or two or three inches taller he could not see over the top of the transport, could he?

A Well --

Q Normally.

H.R.Kelley

A I do not think there is a man in this room who could see over the top of the transport.

Q That is what I thought; that is exactly what I thought, Mr. Kelley. Now, I am told that you have an important main line from Winnipeg to Riverton and you pull or push depending on the direction of the engine, four to eight flat cars with piggy back on them, and when they are shoved they are attached to the nose of the diesel, to the nose of the engine part of the locomotive?

A That is correct, sir.

Q And you are going south part of the way and then I am instructed there is a very sweeping curve eastward, which would be to the left, would it not?

A On the Riverton branch you are going south.

Q Or east, is it?

A Well, we call that north.

Q North.

A North. You go out north and there is a right hand curve going out.

Q When --

A Then, when you come back pushing in, I would say, a southwesterly direction into the spur.

Q I was talking about this return movement. When you are pushing the cars in this southwesterly direction and come to this curve which you said before was a right one, it becomes a left one, is now on the left; right?

H. R. Kelley

A Yes.

Q I am instructed this occurs some thousand feet or so away from the tower at McPhillip street. Is that the switching tower that you referred to earlier?

A Yes sir, that is correct.

Q What do you call it?

A Rugby.

Q There are two control boards about a thousand feet -- which is almost at this curve -- from this Rugby tower?

A Correct.

Q I am instructed that when the cars approach this board it goes out of view of the engineer because of the curve that you described and that the fireman is the only one who can see it and call it to the engineer and that this is done as a regular daily practice?

A Not to my knowledge, sir. If it goes out of the sight of the engineer, any signal, he is supposed to stop.

Q Oh yes. If the fireman were not there undoubtedly, if he was a good engineer and observed rule 7A he would stop
but I am instructed that as a daily matter now he does not stop. The fireman observes the signal and calls it to him.

A That I am unable to say. I watched that movement in there on several different occasions come out and back in and the ground crew was always



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the man on the point of that movement, and the other two men were at different points on the movement depending on the amount of cars they were bringing in.

Q Now, by the way, do you know the Canada Packers siding? You know it well, I suppose.

A Quite well, yes, sir.

Q And there is a road crossing just west of the Canada Packers building, is there not?

A There is, sir.

Q Where the trucks and motor cars pass over and employees pass over?

A Yes, sir.

Q As a matter of fact, my instructions are that because of that movement you at one time had specific hours during which the switching at Canada Packers was to take place. Am I right in that?

A Not to my knowledge, sir.

Q It could take place at any hour?

A As far as I know; I have no instructions that I know of.

Q And the cars as in your many industrial places, have to be spotted pretty accurately?

A Accurately at the doors.

Q And, I am instructed, they are shoving in cars attached to the cab --

A That is correct, sir.

Q -- end of the locomotive.

A That is correct, sir.

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Q I am also instructed that there is a big sweeping curve from the lead into Canada Packers?

A Yes, sir.

Q I am instructed that obscures the vision on the engineman's side in the passing of signals? Is that right?

A I can't agree with that, sir.

Q In your knowledge it does not.

A In my knowledge it does not.

Q My instructions are that as they turn off the track towards Canada Packers the ground men position themselves on the fireman's side and pass the signals through him and that has been a daily habit for a long time. Are these instructions wrong?

A I could not say about the instructions. I have never saw movements made that way and I have been in that area on two or three different occasions, not recently, and signals at the time I was there was passed on the engineer's side.

Q Now, Mr. Kelley, I want to spend a minute or two on the exhibit. From the number of cars you told us are handled daily in the Winnipeg yard it is a very busy yard.

A That is correct, sir.

Q Am I right in suggesting to you that there would be in that yard a great many railway employees in addition to the engine and the ground crews working with the switching operations

A There would be some, yes.

Q You could not agree that there would be many?

A I could not make no statement as to how many there would be at any time; I have never taken the trouble to check up on that.

Q I understand you to say you have never checked the shift to see how many employees in relation to that yard were at work that day and what proportion of them were the people we are discussing in this inquiry and what proportion were the remaining classifications.

A No, I have not.

Q And I think you said to my learned friend, Mr. Sinclair, that in your opinion the helper on the diesel engine on the left side of it makes no difference to safety at all. Is that right?

A That is quite correct, sir.

Q I suppose that means that you never had drawn to your attention any case where the helper on the left side of the engine has been able to avert some affair or injury?

A That is correct, sir.

Q You never had it drawn to your attention.

A That is correct sir.

Q I suppose it might have happened without coming to your attention?

A Oh, quite possibly it could; never drawn to my attention.

Q Did you ever hear of it by rumour that some

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fireman had done something which had avoided an accident?

A No, I cannot say that I have.

Q You --

A By rumour.

Q -- have not even heard of it that way?

A No.

Q Neither in Calgary nor in Winnipeg?
Any other place?

A In no other place.

Q Throughout the 43 years?

A That is correct, sir.

Q I have very little on this, Mr. Kelley, but I would be grateful to have you help me with regard to Exhibit -70, which is your final inspection observation. Have you copies, Mr. Kelley
You had them earlier this morning?

A Yes

Q The one question I am about to ask you would be of assistance in both final and preparatory.
Do you know how long it would take to walk from the shop track to the place of backing out and backing in?

A I am not prepared to give you any exact figure.

Q Roughly?

A Well, I would imagine it would take approximately four minutes.

Q That is in accord with my instructions, you will be glad to hear. It would take about four minutes depending on the conditions.

A That is correct.

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Q I understand one might get held up by passing cars or trains, which would lengthen it, but normally you agree it would be four minutes?

A Somewhere in that neighbourhood.

Q Somewhere in the neighbourhood of four minutes. Turn to Exhibit No.70, your final inspection observations. In the first one, on February 5, the locomotive stopped on the shop or change-off track at 3.27 and the fireman stepped off the locomotive at 3.30, three minutes later. Did you observe what he did in those three minutes?

A He was doing something in the cab; I could not tell what he was doing. One movement, I saw he put on his coat, other than that I could not say.

Q But you know he might have been doing something connected with leaving the engine?

A Whatever he was doing inside the cab I could not say, no movement outside.

Q Now, in the next one he was also there three minutes, from 11.40 to 11.43. Would setting the hand brake take that length of time?

A No, it would not take that long.

Q Do you know what he did the rest of these three minutes?

A Well, I cannot say.

Q Excuse me for a moment, Mr. Chairman, please. I am asking you, Mr. Kelley, to bring your memory back, if you can, to each one specifically.

A Well, I am as near as I can recollect.

Q But you are talking about each one of the instances that I refer you to, not to some general situation?

A Yes.

Q Right.

A He set the hand brake.

Q Yes?

A And got his coat from some place around the seat box and put it on, and just what he was doing for the other few seconds or second that he was in there I could not say. He was standing in the cab. Just what he was doing I could not say, sir.

Q Would you mind turning to the fourth one,

Diesel 7105. The ink seems to have run out on my copy, Mr. Chairman. I think the times are 11.30 and 11.33?

A That is correct.

Q There are three minutes there. Do you remember what he did in that time in addition to setting the hand brake?

A If I remember correctly, he stepped over to the control box on the engineer's side, on the right side. What he done there I don't know. He was there for some few seconds. I did not time the exact seconds that he was there. Then he slipped ~~off~~ his coat, on his arm, and he come out.

Q Turn to Diesel 7103; that is the one on February 22, 3.00 p.m. to 11.00 p.m. "D" and "E" yard. There are three minutes there, 10.35 to 10.38, where the man, according to your observation, did nothing at all. Can you remember?

A No, done nothing at all except step around in the cab and eventually come out the door. What he was doing I could not see. I could not see what he did in the cab of the engine.

Q The next one is 6.25 to 6.27, two minutes. I suppose checking the shutters took most of that time?

A Well, he walked out on the running board on the side and looked at the shutters. What he done I could not say. He looked at the shutters.

Q Then there are two minutes in the next one,

Diesel 7081, 6.25 to 6.27, where your note is that he did nothing. Can you remember what he did in those two minutes?

A Nothing more than he appeared to be standing in the cab, what he was just doing in there, and come out on the back step and took his time coming down the steps, did not appear to be in a great hurry to go any place.

Q Then, Diesel 7101, two or three after the one I mentioned, there are two minutes there and you say, as far as you could see, the fireman did nothing. Can you remember that instance?

A It was practically the same instance as the one I mentioned before; took his time coming out of the cab.

Q Then the next one, 6.55 a.m. to 7.00 a.m., five minutes. You say that this fireman checked the shutters and set the hand brake. These two operations would not take five minutes normally, would they?

A Well, as far as I know he set the hand brake, I know that, first; then he went out alongside the running board and he was doing something to the shutters there for, I do not know, a matter of a minute or a minute and a half, two minutes, three minutes, I don't know. I did not check just how long he was at the shutters. What he was doing, I don't know what he was doing.

Q You did not see him do anything else?

A I didn't see him do nothing else.

Q Now, with regard to your final exhibit, Exhibit 71, and this is my final question, Mr. Chairman, and it is just a matter of clarification. I just happened to notice (d).

THE CHAIRMAN: On page 1?

MR. LEWIS: On page 3.

BY MR. LEWIS:

Q Under (d) you say "Fireman observed conditions in direction of movement; called 'All clear' at main line crossings." You have noted it in the plural, but when you answered my friend you dealt with only one crossing. You said crossing at Marion Street, if I remember correctly. There is more than one crossing going in that movement. Your note is correct, is it not?

A I think under Article "B" it says -- was it "B" you spoke of?

Q "D" for Donald.

A "D"; yes, there are two main line crossings that went over, three main line crossings.

Q There were three main line crossings?

A Yes.

Q And at each of them the fireman called "All clear"; is that right?

A Yes, sir.

MR. LEWIS: Thank you very much.

MR. SINCLAIR: No re-examination, Mr.

Chairman.

THE CHAIRMAN: Mr. Mundell, have you any questions?

MR. MUNDELL: No.

BY THE CHAIRMAN:

Q Mr. Kelley, reference was made to Rule 7a, on page 15. The last sentence reads:

"If signals disappear from view the movement must be stopped immediately, unless otherwise controlled."

In your understanding of that rule, from whose view?

A From anyone's view.

Q Including the engineer?

A Including the engineer. What I mean by that, if the foreman or the field man is on the point of the movement and he goes out of sight of the man that he is relaying signals to, who in turn is relaying them to the engineer, the movement should be stopped until he comes back in sight where they can see him.

Q As you understand it, if the last man on the chain, the engineer, cannot see the signalman he should stop?

A He should stop, yes, sir.

Q Well, then, if you have a situation of that kind, as has been suggested to you, where you have signals being made on the left-hand side to the fireman and the fireman verbally transmits what he sees to the engineer, in your view

would that be a violation of that rule because the engineer cannot see?

A I would say, in view of that rule, the engineer should stop until he can see the signal.

Q Well, now, I would like to get this clear also. Is there ever a situation in your experience where, leaving aside the rule for the moment, either by giving these signals on the right-hand side or giving them on the left-hand side, nonetheless you would still have to have some one or more persons on top of cars? Is there ever a situation of that kind?

A I do not quite get that question, sir. If I get it right, if the signals can be given on either side --

Q No, you have a situation where the engineer can see if the signals are given on the right-hand side.

A Yes.

Q The other situation is where, if there is nobody on top of the cars, the only way the engineer can see is by having the signals given on the left-hand side and the fireman tells him what he sees.

A Yes.

Q You have these two situations. I am asking you is there ever a situation where either one or the other of those methods of giving signals is not enough and you would still have to have a man on the top of the train?

A That is correct, sir.

Q There are some situations of that kind?

A Oh, yes, sir.

Q Leaving that aside, if there is a situation where the engineer cannot see because the signals cannot be given on the right-hand side, but they can be given on the left-hand side through the fireman, then you say that that really comes back to the rule that was just mentioned by you?

A Yes, sir.

MR. LEWIS: I would like to ask the witness a question, if I may, Mr. Chairman, arising out of your questions.

BY MR. LEWIS:

Q Why do you say that if the signals are passed through the fireman and the fireman calls them orally to the engineer, if I understood your question, sir, that that means, in accordance with Rule 7a that the movement must stop.

A My interpretation of the rule is in yard work and my experience has been that the signals should be given direct to the engineer.

Q I appreciate that, but in answer to the question that the Chairman put to you, you said that if the signals are passed through the fireman and the fireman calls them to the engineer, if that happens, in your opinion the movement should stop because of the last sentence in Rule 7a.

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MR. SINCLAIR: As I took the note, that is not what the Chairman said.

THE CHAIRMAN: As I understood the witness, and I want to appreciate what he said, in his experience, reading the last sentence, if signals disappear from view, that that means ultimately from the engineer's view, that is the way he interpreted it, or when the signals in any given case are given through the fireman, that is opposed to the letter or the spirit of that rule; that the engineer, as the last man, must himself see, and not the fireman. That is what I understood the witness to say.

BY MR. LEWIS:

Q Is that your interpretation?

A That is my interpretation of the rule.

Q But you have never known these signals to come through the fireman at all. That is your point, is it?

A I have no recollection of signals, in my experience, being passed to the fireman, through the fireman, to the engineer.

BY HON. MR. McLAURIN:

Q You said you knew of two, and you objected to it and you told them off?

A Only the two cases, and I objected to it in both cases.

THE CHAIRMAN: Maybe we should have some authoritative interpretation of that rule. I just wanted to know what the witness had to say.

MR. LEWIS: Yes. I am interested in what he has said about the application.

THE CHAIRMAN: We learn about these things as we go along. I understand we are through for the day. We shall adjourn now until Monday morning at 10.30.

--- The Commission adjourned at 12.50 until Monday, March 25, 1957, at 10.30 a.m.
